

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Citations
RULE NO.: 64B13-15.009

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address the citation violation for failure to document continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Failure to document continuing education hours.

SPECIFIC AUTHORITY: 463.005, 455.617 FS.

LAW IMPLEMENTED: 455.621 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS :

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 455.617, Florida Statutes, the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. The Board hereby designates the following as citation violations which shall result in a penalty of two hundred fifty dollars (\$250.00).

(a) through (c) No change.

(d) Failure to document having obtained the continuing education required by Section 463.007, and Rule Chapter 64B13-5, F.A.C. In addition to paying the fine, the licensee must complete continuing education hours not documented, plus an additional hour for each hour missed.

(5) through (7) No change.

Specific Authority 463.005, 455.617 FS. Law Implemented 455.621 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Formulary of Topical Ocular
RULE NO.: 64B13-18.002

Pharmaceutical Agents
PURPOSE AND EFFECT: The Board proposes the development of a rule to address the topical ocular pharmaceutical formulary.

SUBJECT AREA TO BE ADDRESSED: Clarification of the topical ocular pharmaceutical formulary.

SPECIFIC AUTHORITY: 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), Florida Statutes. The topical ocular pharmaceutical agents in the formulary include ~~only commercially available over-the-counter preparations and non-scheduled commercially available preparations~~ of the following legend drugs alone or in combination:

(1) through (10) No change.

Specific Authority 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended _____.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

RULE TITLE: Licensure of Certification Authorities
RULE NO.: 1-10.001

PURPOSE AND EFFECT: The proposed repeal of Rule 1-10.001 is made necessary by the repeal of sections 282.74 and 282.745, F.S.

SUMMARY: The repealed rules established standards and procedures for the voluntary licensure of digital signature certification authorities, as provided for in former section 282.745, Florida Statutes. The rules provided for the qualifications, duties and requirements of certification authorities licensed under the rules, as well as audit and record-keeping practices by such licensed certification authorities and procedures upon cessation of certification

authority activity. The rule also provided for the form of on-line certificates issued by the certification authority, as well as minimum requirements for the issuance, suspension, and revocation of certificates.

SPECIFIC AUTHORITY: 282.745 FS.

LAW IMPLEMENTED: 282.745 FS.

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

TIME AND DATE: 9:00 a.m., January 5, 2000

PLACE: R. A. Gray Building, Third Floor, Conference Room, 500 South Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gerard T. York, Assistant General Counsel, LL-10, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)414-5536

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in the hearing are asked to advise the agency at least 48 hours before the workshop by contacting: Gerard York, (850)414-5536. If you are hearing or speech impaired, please contact the agency by calling (850)922-9606 or sending an e-mail message to gyork@mail.dos.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

1-10.001 Licensure of Certification Authorities.

Specific Authority 282.745 FS. Law Implemented 282.745 FS. History--New 6-15-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerard T. York, Assistant General Counsel, LL-10, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)414-5536

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Kearney, General Counsel, PL-02, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)414-5536

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

DEPARTMENT OF STATE

Division of Corporations

RULE TITLES:

Name Assignments

Distinguishability

Prohibited Filings

Name Reservations

Limited Partnerships, Partnerships and Fictitious Names

RULE NOS.:

1N-1.001

1N-1.002

1N-1.003

1N-1.004

1N-1.005

PURPOSE AND EFFECT: The purpose and effect of this rule repeal is to reflect the repeal of various name reservation statutes and to repeal rules that have been determined to be redundant of the applicable statutes.

SUMMARY: The repealed rules restated statutory standards for the filing, registration, or assignment of the name of entities on file with the Division of Corporations. The repealed rules also provided examples of the distinguishability of names of entities, examples of prohibitions under federal or state law, and procedures for name reservations. Statutes providing for name reservations for entities on file with the Division of Corporations have been repealed.

SPECIFIC AUTHORITY: 607.0130(4), 617.01301(4), 620.1835(4), 620.81055(2), 620.78(7), 865.09(10) FS.

LAWS IMPLEMENTED: 425.05, 607.0401, 607.0402, 607.0403, 607.1401, 607.1405(4), 607.1422(4), 608.406, 608.4061, 608.4431(3), 608.4482(4), 617.0401, 617.0402, 620.103, 620.104, 620.178(6), 620.8105, 621.13, 628.111, 629.091(1), 865.09 FS.

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

TIME AND DATE: 2:00 p.m., January 5, 2000

PLACE: R. A. Gray Building, Third Floor, Conference Room, 500 South Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerard T. York, Assistant General Counsel, LL-10, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)414-5536

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in the hearing are asked to advise the agency at least 48 hours before the workshop by contacting: Gerard York, (850)414-5536. If you are hearing or speech impaired, please contact the agency by calling (850)922-9606 or sending an e-mail message to gyork@mail.dos.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

1N-1.001 Name Assignments.

Specific Authority 607.0130(4), 617.01301(4), 620.1835(4) FS. Law Implemented 607.0401, 608.406, 617.0401, 620.103, 621.13 FS. History--New 6-29-80, Formerly 1N-1.01, Amended 6-4-96, Repealed.

1N-1.002 Distinguishability.

Specific Authority 607.0130(4), 617.01301(4), 620.1835(4) FS. Law Implemented 607.0401, 607.0402, 608.406, 608.4061, 617.0401, 617.0402, 620.103, 620.104, 620.8105, 621.13 FS. History--New 6-29-80, Formerly 1N-1.02, Amended 6-4-96, Repealed.

1N-1.003 Prohibited Filings.

Specific Authority 607.0130(4), 617.01301(4), 620.1835(4) FS. Law Implemented 425.05, 607.0401, 607.0402, 608.406, 608.4061, 617.0401, 617.0402, 620.103, 620.104, 621.13, 629.091(1), 628.111 FS. History--New 6-29-80, Formerly 1N-1.03, Amended 6-4-96, Repealed.

1N-1.004 Name Reservations.

Specific Authority 607.0130(4), 617.01301(4), 620.1835(4) FS. Law Implemented 607.0401, 607.0402, 607.0403, 607.1405(4), 607.1422(4), 608.406, 608.4061, 608.4431(3), 608.4482(4), 617.0401, 617.0402, 620.103, 620.104, 621.13 FS. History--New 6-29-80, Amended 12-16-80, Formerly 1N-1.04, Amended 6-4-96, Repealed.

1N-1.005 Limited Partnerships, Partnerships and Fictitious Names.

Specific Authority 620.1835, 620.81055(2), 620.78(7), 865.09(10) FS. Law Implemented 620.103, Parts II and III, 620.178(6), 620.8105, 620, 865.09 FS. History--New 6-29-80, Amended 12-16-80, Formerly 1N-1.05, Amended 6-4-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerard T. York, Assistant General Counsel, LL-10, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)414-5536

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Kearney, General Counsel, PL-02, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)414-5536

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

DEPARTMENT OF STATE

Division of Corporations

RULE TITLE: Electronic Filing

RULE NO.: 1N-2.001

PURPOSE AND EFFECT: The purpose and effect of this rule repeal is to repeal a rule that has been determined to be redundant of the applicable statutes.

SUMMARY: The repealed rules restated statutory standards for the electronic filings with the Division of Corporations.

SPECIFIC AUTHORITY: 15.16 FS.

LAWS IMPLEMENTED: 15.091, 15.16, 608.4081, 617.0122, 617.0123, 617.0129 FS.

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

TIME AND DATE: 2:00 p.m., January 5, 2000

PLACE: R. A. Gray Building, Third Floor, Conference Room, 500 South Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gerard T. York, Assistant General Counsel, LL-10, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)414-5536

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in the hearing are asked to advise the agency at least 48 hours before the workshop by contacting: Gerard York, (850)414-5536. If you are hearing or speech impaired, please contact the agency by calling (850)922-9606 or sending an e-mail message to gyork@mail.dos.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

1N-2.001 Electronic Filing.

Specific Authority 15.16, 607.0125 FS. Law Implemented 15.091, 15.16, 608.4081, 617.0122, 617.0123, 617.0129 FS. History--New 12-18-90, Amended 9-5-91, 4-4-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerard T. York, Assistant General Counsel, LL-10, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)414-5536

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Kearney, General Counsel, PL-02, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)414-5536

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

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims

RULE NO.: 2A-2.002

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate revised forms into the rule.

SUMMARY: The proposed rule amendments incorporate revised forms into the rule with regard to victim compensation assistance.

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: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b) 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., January 6, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jacquelyn Dupree, Chief, Bureau of Victim Compensation, Division of Victim Services and Criminal Justice Programs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001 (January 2000), effective ~~March 1999~~, effective 8-17-99, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

(1) BVC 100, entitled "Victim Compensation Claim Form," (rev. 11/99), effective _____ (~~6/97~~) (~~rev. 2/99~~), effective 9-24-97.

(2) BVC 100SF, entitled "Victim Compensation Claim Form" (Short Form), (10/99), effective _____.

(3)(2) BVC 102, entitled "Filing Time Explanation" (1/99), effective 8-17-99.

(4)(3) BVC 103, entitled "Reporting Time Explanation" (2/99), effective 8-17-99.

(5)(4) BVC 104, entitled "Non-Cooperation Explanation" (1/99), effective 8-17-99.

(6) BVC 105, entitled "Domestic Violence Relocation Certification" (10/99), effective _____.

(7)(5) BVC 211, entitled "Notice of Rights - Hearing Request," (3/99), effective 8-17-99.

(8)(6) BVC 405, entitled "Employment Report," (1/99), effective 8-17-99.

(9)(7) BVC 409, entitled "Treatment Statement," (2/99), effective 8-17-99.

(10)(8) BVC 410, entitled "Disability Statement," (1/99), effective 8-17-99.

(9) BVC 600, entitled "Property Loss Claim Form," (7/97) (rev. 2/99), effective 9-24-97.

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.13(1)(b) FS. History-New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jacquelyn Dupree, Chief, Bureau of Victim Compensation
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Doss, Division Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 1999

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Application and Payment Procedures

RULE NO.: 2A-3.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate a revised form into the rule.

SUMMARY: The proposed rule amendment incorporates a revised form into the rule with regard to sexual battery claims.

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: 960.045(1) FS.

LAW IMPLEMENTED: 960.28 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., January 6, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jacquelyn Dupree, Chief, Bureau of Victim Compensation, Division of Victim Services and Criminal Justice Programs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-3.002 Application and Payment Procedures.

Application and payment procedures for sexual assault examinations are provided on the form entitled "Sexual Battery Claim Form," DVS-201, (Rev. 11/99), effective _____ (~~07/97~~), effective 9-24-97, which is incorporated in this rule by reference.

Specific Authority 960.045(1) FS. Law Implemented 960.28 FS. History-New 11-1-92, Amended 9-13-94, 9-26-95, 6-19-96, 9-24-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jacquelyn Dupree, Chief, Bureau of Victim Compensation
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Doss, Division Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 1999

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE CHAPTER TITLE: Practice and Procedure

RULE CHAPTER NO.: 2B-1

RULE TITLE: Minor Violations

RULE NO.: 2B-1.003

PURPOSE AND EFFECT: In 1997 the Legislature enacted legislation that allowed the Commission to identify minor violations of Chapters 104 and 106, Florida Statutes, that could be resolved without further investigation by means of a nolo plea and payment of a fine. See Chapter 97-13, s. 50, Laws of Florida. This amendment adds two additional criteria for eligibility and 13 additional violations of law that are eligible for a nolo plea.

SUMMARY: The rule identifies additional minor violations of Chapter 106, Florida Statutes, that can be resolved by consent order and payment of a fine. Previously, the criteria for eligibility were that the complaint contained no legally sufficient allegations other than those identified in the rule for minor violations; the respondent had not previously been notified of an allegation of the same violation before the

conduct about which the complaint was filed; and the respondent agreed to correct, if feasible, the conduct which resulted in a violation identified in the minor violation rule. This amendment adds eligibility criteria for violations that involve political advertising. The violation must have occurred more than 14 days before the election in which the candidate or committee named in the political advertisement participated and the person, candidate, or committee that paid for the political advertisement must be named in the advertisement.

The amendment also adds 13 violations that are minor violations. They are: failure of a person who holds a campaign fund raiser to include the statement required by this section on tickets or advertising; failure of a person to include the proper disclaimer in a political advertisement paid for by an independent expenditure; failure of a person to mark all political advertisements as a "pd. pol. adv." or a "paid political advertisement" or to identify the sponsor; failure of a person to mark the political advertisement of a candidate running for partisan office with the candidate's political party affiliation or to indicate that he or she is running with no party affiliation; failure of a person offering a political advertisement on behalf of a candidate to obtain approval from the candidate before circulating the advertisement; failure of a candidate or a person on behalf of a candidate to state on the candidate's political advertisement that the content of the advertisement was approved by the candidate or the identity of the person who paid for the advertisement; failure of a candidate to provide the news media with a written statement authorizing the content of each political advertisement submitted to the media for distribution; failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to provide the media with a written statement that no candidate approved of the advertisement; failure of a person making an independent expenditure for a political advertisement to state on the advertisement that no candidate approved the advertisement; failure of a candidate who is not the incumbent using the word "re-elect" in a political advertisement; failure of a person sponsoring a political advertisement intended to influence public policy or the vote of a public official to include a statement of sponsorship; failure of a group, club, association or other organization that endorses or opposes a candidate or referendum by means of political advertisements to file a statement of endorsement or opposition with the filing officer before distributing the advertisement; and failure of a candidate, political party, political committee, or committee of continuous existence or an agent of a candidate, political party, political committee or committee of continuous existence to include a political disclaimer on a message placed on an information system accessible by computer by more than one person.

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

Any person who wished 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: 106.26(12) FS.

LAW IMPLEMENTED: 106.26 FS.

IF REQUESTED WITHIN 21 DAYS OF THE 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., Monday, January 3, 2000

PLACE: Room 2002, The Capitol, Tallahassee, Florida 32399-1050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phyllis Hampton, Assistant General Counsel, Florida Elections Commission, Room 2002, The Capitol, Tallahassee, Florida 32399-1050, telephone (850)922-4539

THE FULL TEXT OF THE PROPOSED RULE IS:

2B-1.003 Minor Violations.

(1) The Commission shall consider a violation of Chapter 106, Florida Statutes, a minor violation under the following circumstances:

- (a) The violation is one of those identified in this rule;
- (b) The complaint alleging the violation contains no legally sufficient violation other than those identified in this rule;
- (c) The respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed; ~~and~~
- (d) The respondent against whom the complaint was filed agrees to correct, if feasible, the conduct that resulted in a violation identified in this rule; ~~and~~;

(e) If the violation involves political advertising, the violation must have occurred more than 14 days before the election in which the candidate or committee named in the political advertising is participating and the person, candidate, or committee that paid for the political advertisement must be named in the political advertisement.

(2) The following violations are minor violations so long as the requirements of subsection (1) of this rule have been met:

(a) Section 106.021(1)(b), Florida Statutes, failure of a candidate or political committee to properly designate a separate interest-bearing campaign account, so long as the account is identified as the campaign account of the candidate or political committee. A fine of \$100 shall be imposed for a violation;:-

(b) Section 106.023, Florida Statutes, failure of a candidate to file a statement that says the candidate has read and understands the requirements of Chapter 106, within ten

days after filing his or her appointment of campaign treasurer and designation of campaign depository. A fine of \$100 shall be imposed for a violation:-

(c) Section 106.025(1)(c), Florida Statutes, failure of a person who holds a campaign fund raiser to include the statement required by this section on tickets or advertising. A fine of \$250 shall be imposed for each violation;

(d) Section 106.071(1), Florida Statutes, failure of a person to include the proper disclaimer in a political advertisement paid for by an independent expenditure. A fine of \$250 shall be imposed for each violation;

(e) Section 106.143(1), Florida Statutes, failure of a person to mark all political advertisements as a "pd. pol. adv." or a "paid political advertisement" or to identify the sponsor. A fine of \$200 shall be imposed for each violation;

(f) Section 106.143(2), Florida Statutes, failure of a person to mark the political advertisement of a candidate running for partisan office with the candidate's political party affiliation or to indicate that he or she is running with no party affiliation. A fine of \$200 shall be imposed for each violation;

(g)(e) Section 106.143(3), Florida Statutes, prohibiting a candidate or any person on behalf of a candidate from representing in a political advertisement that a person or an organization supports the candidate before obtaining the written approval of that person or organization, so long as written approval was obtained. A fine of \$200 shall be imposed for each a violation:-

(h) Section 106.143(4)(a), Florida Statutes, failure of a person offering a political advertisement on behalf of a candidate to obtain approval from the candidate before circulating the advertisement. A fine of \$200 shall be imposed for each violation;

(i) Section 106.143(4)(a), Florida Statutes, failure of a candidate or a person on behalf of a candidate to state on the candidate's political advertisement that the content of the advertisement was approved by the candidate or the identity of the person who paid for the advertisement. A fine of \$250 shall be imposed for each violation;

(j) Section 106.143(4)(a), Florida Statutes, failure of a candidate to provide the news media with a written statement authorizing the content of each political advertisement submitted to the media for distribution. A fine of \$250 shall be imposed for each violation;

(k) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to provide the media with a written statement that no candidate approved of the advertisement. A fine of \$200 shall be imposed for each violation;

(l) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement to state on the advertisement that no candidate approved the advertisement. A fine of \$200 shall be imposed for each violation;

(m) Section 106.143(5), Florida Statutes, prohibiting a person who is not the incumbent from including the word "re-elect" in a political advertisement. A fine of \$200 will be imposed for each violation;

(n)(d) Section 106.143(5), Florida Statutes, failure of a person in a political advertisement of a candidate who is not the incumbent to use the word "for" between the candidate's name and the office for which the candidate is running, unless incumbency is implied. A fine of \$100 shall be imposed for each violation:-

(o)(e) Section 106.1435(3), Florida Statutes, prohibiting a person from placing or locating a political advertisement on or above any state or county road right-of-way. A fine of \$100 shall be imposed for a violation:-

(p) Section 106.1437, Florida Statutes, failure of a person sponsoring a political advertisement intended to influence public policy or the vote of a public official to include a statement of sponsorship. A fine of \$200 shall be imposed for each violation;

(q) Section 106.144, Florida Statutes, failure of a group, club, association or other organization that endorses or opposes a candidate or referendum by means of political advertisements to file a statement of endorsement or opposition with the filing officer before distributing the advertisement. A fine of \$250 shall be imposed for each violation; and

(r) Section 106.148, Florida Statutes, failure of a candidate, political party, political committee, or committee of continuous existence or an agent of a candidate, political party, political committee or committee of continuous existence to include a political disclaimer on a message placed on an information system accessible by computer by more than one person. A fine of \$200 shall be imposed for each violation.

(2) Upon the executive director's determination that an alleged violation is a minor violation as defined by this rule, the executive director shall offer the respondent an opportunity to enter into a consent order to pay the fine or fines designated above. The consent order shall provide that the respondent neither admits nor denies the allegations.

(3) The Commission shall approve the consent order unless it determines that the requirements of this rule have not been met.

Specific Authority 106.26(12) FS. Law Implemented 106.26(12) FS. History—New 1-12-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbara M. Linthicum, Executive Director, Florida Elections Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 1999

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: RULE NO.:

Guidelines for Imposing Administrative Penalties 5F-2.016

PURPOSE AND EFFECT: The purpose of 5F-2.016 is to specify Departmental policies when imposing an administrative fine as described in s. 525.16, F.S. The effect is to have uniform imposition of administrative fines.

SUMMARY: Proposed rule 5F-2.016 will specify guidelines when administrative fines are imposed pursuant to Chapter 525.16, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding 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: 525.14 FS.

LAWS IMPLEMENTED: 525.16 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, January 4, 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: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone: (850)488-9740

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) Any person who is shown to have willfully and intentionally violated any provision of Chapter 525, Florida Statutes, shall have a maximum administrative fine of \$5,000 levied per violation.

(2) Any person who commits a first violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall be issued a warning letter.

(3) Any person who commits a second violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall have a maximum administrative fine of \$1,000 levied per violation.

(4) Any person who commits three or more violations of Chapter 525, Florida Statutes, within a three-year period that are not shown to have been willful or intentional shall have a maximum administrative fine of \$5,000 levied per violation.

(5) Pursuant to Section 525.16(1)(a)(2), Florida Statutes, four factors will be considered when imposing an administrative fine on a second time or repeat offender for violations that are not shown to have been willful or intentional. The factors are:

(a) The degree and extent of harm caused by the violation;

(b) The cost of rectifying the damage;

(c) The amount of money the violator benefited from the noncompliance; and

(d) The compliance record of the violator.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

a. Severity and Nature of the Violation

Gasoline

<u>Fine</u>	<u>\$100</u>	<u>\$250</u>	<u>\$500</u>
<u>Distillation:</u> <u>End Point, °F</u>	<u>450-475</u>	<u>476-500</u>	<u>>500</u>
<u>Distillation:</u> <u>10, 50 & 90% evaporated</u> <u>temperature, °F</u>		<u>all violations</u>	
<u>Vapor Pressure, psi</u>	<u>April-October:</u> <u>>maximum but< 11.5</u>	<u>November-March: >13.5</u> <u>April-October: >11.5</u>	
<u>Antiknock Index</u>			<u>>2.0 below displayed value</u>
<u>Sulfur</u>			<u>all violations</u>
<u>Gum</u>			<u>all violations</u>
<u>Alcohol/Oxygenates</u>		<u>>maximum but< 20%</u>	<u>>20%</u>

Diesel, Kerosene and Fuel Oils

<u>Fine</u>	<u>\$100</u>	<u>\$250</u>	<u>\$500</u>
<u>Flash Point, °F</u>	<u>diesel & fuel oils:</u> <u>80-93.</u> <u>kerosene: 80-91</u>	<u>diesel, kerosene & fuel</u> <u>oils: 60-79</u>	<u>diesel, kerosene & fuel oils:</u> <u><60</u>
<u>Distillation</u>		<u>diesel, kerosene & fuel</u> <u>oils: all violations</u>	

b. Extent of Harm

<u>Fine</u>	<u>\$250</u>	<u>\$750</u>	<u>\$1,500</u>
<u># of gallons sold</u>	<u>0-500</u>	<u>501-1000</u>	<u>>1000</u>

2. The cost of rectifying the damage is determined by the monetary value of repairs for equipment damaged by the substandard product. These damages must be related to a valid complaint filed with The Department.

<u>Fine</u>	<u>\$100</u>	<u>\$250</u>	<u>\$500</u>
<u>\$value</u>	<u><\$500</u>	<u>\$500-1000</u>	<u>>\$1000</u>

3. Benefit to Violator

<u>Fine</u>	<u>Revenue resulting from sale of substandard product.</u>
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4. Compliance Record

<u>Fine</u>	<u>\$100 per violation</u>	<u>\$250 per violation</u>	<u>\$500 per violation</u>
<u># of violations subject to penalty</u>	<u>3rd previous year</u>	<u>2nd previous year</u>	<u>1st previous year</u>

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Hamilton
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 1999

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Standards for Processed Citrus Products
RULE CHAPTER NO.: 20-64
RULE TITLE: Sanitary Requirements
RULE NO.: 20-64.020
PURPOSE AND EFFECT: Would provide sanitary requirements for imported fresh squeezed citrus juices.
SUMMARY: Provides sanitary requirements for imported fresh squeezed citrus juices.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

SPECIFIC AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.44, 601.53, 601.54 FS.

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

TIME AND DATE: 10:30 a.m., January 19, 2000

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-64.020 Sanitary Requirements.

(1) The sanitary requirements as prescribed in sections 2.2.1 through 2.2.58, July 1996 and sections 3.2.7a through 3.2.7g, June 1996 of the Citrus Handbook of the Processed Products Branch, Fruit and Vegetable Division, United States Department of Agriculture, shall be the governing regulations for sanitary conditions in Florida citrus processing plants.

(2) Exceptions:

The provisions of subsection (6) shall not apply to:

(a) Products being shipped or transported entirely within the state of Florida between licensed citrus processors in Florida for further processing which will include pasteurization or other approved kill-step.

(b) Gift fruit shippers, retail processors, and roadside stand operators engaged in the production of fresh squeezed unpasteurized juice and who squeeze less than 30,000 boxes annually, when said shippers, processors, and operators possess a food permit issued by the Department of Agriculture and Consumer Services pursuant to the provisions of section 5K-4.020, F.A.C.

(3) Processed citrus products found upon inspection to contain foreign materials which render the product unfit for human consumption, shall be seized, condemned and destroyed. The shipper or processor shall be notified in writing, at least ten days prior to destruction, that such products have been seized and condemned, to allow sufficient time to request and perfect an appeal, appropriate under provisions of United States Department of Agriculture regulations. If no appeal is entered, or on appeal the inspector's findings are sustained, such product shall be immediately destroyed.

(4) Destruction of processed citrus products for reasons of unfitness for human consumption shall be made by the processor, at his expense, and under the supervision of an authorized inspector.

(5) The requirements of this rule do not excuse failure of compliance with provisions of the Federal Food, Drug and Cosmetic Act.

(6) In addition to the provisions of subsections (1) through (5), the following good manufacturing practices as well as those described in Title 21, Code of Federal Regulations, Part 110, April 1, 1994 edition, incorporated herein by reference, shall apply to facilities preparing single strength "ready-to-drink" citrus juices that will not be treated by heat or other approved kill-step to reduce the enzymatic activity and the number of viable microorganisms:

(a) Wash Area:

1. Acid wash fruit and roller brush, or use other commercially equivalent cleaning method to remove soil, debris, etc., from fruit.

2. Use a minimum 200 ppm hypochlorite rinse or other commercially equivalent bactericide as prescribed by the manufacturer's label.

3. Water rinse just prior to entry into process area to remove all sanitizer/acid wash residues and to avoid potential for recontamination.

4. Belts/rollers/brushes/conveyers to be maintained free of soil, dirt and extraneous material; minimum of a weekly cleaning and sanitization of all above required.

5. Entire wash area maintained free of excess debris, pest and potential pest harborage including standing water.

6. Grading must eliminate unacceptable fruit, i.e. fruits with cuts, splits, punctures, black heart, and other defects that may allow pathogenic microorganisms to contaminate the interior of the fruit. Drops are unacceptable for use in unpasteurized products.

(b) Process Area:

1. Process area must be completely enclosed, i.e. protected from outside environment and must meet minimum structural and equipment sanitation requirements for food processing areas as described in sections 5K-4.002 and 5K-4.004, Florida Administrative Code.

2. All food contact surfaces must be cleaned and sanitized after production and prior to start up.

3. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturers for the specific finished food product. Effectiveness of cleaning and sanitizing procedures must be verified and documented by the plant's own quality control program or, HACCP program, or good manufacturing practices as described in Title 21, Code of Federal Regulations, Part 110, April 1, 1994 edition.

4. If product residues or buildup of organic matter remain on equipment, additional chemical treatment shall be used to remove such residues or buildup.

5. All lubricants must be food grade only, as approved by USDA.

6. Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

(c) Finished Product Requirements:

1. A contingency plan for in-line and surge tank juice during breakdowns must be in place to get juice chilled or disposed of. Cleaning and sanitizing procedures must be performed prior to restarting operation after extended breakdowns.

2. Filling area must be protected from the outside environment similar to processing area.

3. Containers must be sanitarily handled and protected from contamination, at all times.

4. When containers are removed from protective wrap, they must be covered, if not immediately used.

5. Finished product must immediately be moved to cold storage.

(d) Quality Control Procedures:

1. Water certificates shall be obtained from a HRS approved laboratory on an annual basis.

2. Finished product – A documented quality control program shall be established to ensure that product without a microbiological safety barrier, i.e. no heat treatment, is monitored for food safety. The program must include a microbiological monitoring component, using standard plate count, coliforms, and E.coli as indicators of process control, that is sufficient to establish a base-line for the specific plant's process to ensure freedom from potential pathogenic microorganisms. Each production lot or each day's production (whichever is less) shall be monitored for compliance with the base-line data previously established for the processing plant.

3. Quality control records and records of process deviation shall be maintained after processing for a minimum of 90 days for fresh product and for two years for frozen product, and shall be readily available for inspection by United States Department of Agriculture or other authorized state or federal personnel.

4. Establish a record keeping system that will:

a. Track finished products to fruit used in production.

b. Tie products to specific periods of production.

c. Enable a recall procedure for unwholesome/unsafe products.

5. Upon a finding of a pertinent pathogenic microorganism associated with a product in distribution immediate notice shall be made to the United States Department of Agriculture or other agencies as required by law.

(e) Personnel and Sanitary Facilities:

Plant shall take all reasonable measures and precautions to ensure that good manufacturing practices are followed with respect to cleanliness and disease control.

(7) Imported Juices:

Single strength "read-to-drink" citrus juices imported into the state of Florida which have not been processed in such a manner that will produce a minimum 5-log (i.e., 100,000-fold) reduction in the pertinent microorganisms, as defined in Title 21, Code of Federal Regulations, Section 101.17(g), April 1,

1999, shall not be packaged, sold, or blended with other citrus products in this state unless such imported juices are first pasteurized.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.44, 601.53, 601.54 FS. History--Formerly 105-1.19(5), Revised 1-1-75, Formerly 20-64.20, Amended 2-20-96, 6-8-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clark R. Jennings, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Clark R. Jennings, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 1999

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Standards for Processed Citrus

RULE CHAPTER NO.: 20-64

Products 20-64

RULE TITLE: Sanitary Requirements

RULE NO.: 20-64.020

PURPOSE AND EFFECT: Would provide sanitary requirements for imported fresh squeezed citrus juices.

SUMMARY: Provides sanitary requirements for imported fresh squeezed citrus juices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.44, 601.53, 601.54 FS.

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

TIME AND DATE: 10:30 a.m., January 19, 2000

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-64.020 Sanitary Requirements.

(1) The sanitary requirements as prescribed in sections 2.2.1 through 2.2.58, July 1996 and sections 3.2.7a through 3.2.7d, June 1996 of the Citrus Handbook of the Processed

Products Branch, Fruit and Vegetable Division, United States Department of Agriculture, shall be the governing regulations for sanitary conditions in Florida citrus processing plants.

(2) Exceptions:

The provisions of subsection (6) shall not apply to:

(a) Products being shipped or transported entirely within the state of Florida between licensed citrus processors in Florida for further processing which will include pasteurization or other approved kill-step.

(b) Gift fruit shippers, retail processors, and roadside stand operators engaged in the production of fresh squeezed unpasteurized juice and who squeeze less than 30,000 boxes annually, when said shippers, processors, and operators possess a food permit issued by the Department of Agriculture and Consumer Services pursuant to the provisions of section 5K-4.020, F.A.C.

(3) Processed citrus products found upon inspection to contain foreign materials which render the product unfit for human consumption, shall be seized, condemned and destroyed. The shipper or processor shall be notified in writing, at least ten days prior to destruction, that such products have been seized and condemned, to allow sufficient time to request and perfect an appeal, appropriate under provisions of United States Department of Agriculture regulations. If no appeal is entered, or on appeal the inspector's findings are sustained, such product shall be immediately destroyed.

(4) Destruction of processed citrus products for reasons of unfitness for human consumption shall be made by the processor, at his expense, and under the supervision of an authorized inspector.

(5) The requirements of this rule do not excuse failure of compliance with provisions of the Federal Food, Drug and Cosmetic Act.

(6) In addition to the provisions of subsections (1) through (5), the following good manufacturing practices as well as those described in Title 21, Code of Federal Regulations, Part 110, April 1, 1994 edition, incorporated herein by reference, shall apply to facilities preparing single strength "ready-to-drink" citrus juices that will not be treated by heat or other approved kill-step to reduce the enzymatic activity and the number of viable microorganisms:

(a) Wash Area:

1. Acid wash fruit and roller brush, or use other commercially equivalent cleaning method to remove soil, debris, etc., from fruit.

2. Use a minimum 200 ppm hypochlorite rinse or other commercially equivalent bactericide as prescribed by the manufacturer's label.

3. Water rinse just prior to entry into process area to remove all sanitizer/acid wash residues and to avoid potential for recontamination.

4. Belts/rollers/brushes/conveyers to be maintained free of soil, dirt and extraneous material; minimum of a weekly cleaning and sanitization of all above required.

5. Entire wash area maintained free of excess debris, pest and potential pest harborage including standing water.

6. Grading must eliminate unacceptable fruit, i.e. fruits with cuts, splits, punctures, black heart, and other defects that may allow pathogenic microorganisms to contaminate the interior of the fruit. Drops are unacceptable for use in unpasteurized products.

(b) Process Area:

1. Process area must be completely enclosed, i.e. protected from outside environment and must meet minimum structural and equipment sanitation requirements for food processing areas as described in sections 5K-4.002 and 5K-4.004, Florida Administrative Code.

2. All food contact surfaces must be cleaned and sanitized after production and prior to start up.

3. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturers for the specific finished food product. Effectiveness of cleaning and sanitizing procedures must be verified and documented by the plant's own quality control program or, HACCP program, or good manufacturing practices as described in Title 21, Code of Federal Regulations, Part 110, April 1, 1994 edition.

4. If product residues or buildup of organic matter remain on equipment, additional chemical treatment shall be used to remove such residues or buildup.

5. All lubricants must be food grade only, as approved by USDA.

6. Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

(c) Finished Product Requirements:

1. A contingency plan for in-line and surge tank juice during breakdowns must be in place to get juice chilled or disposed of. Cleaning and sanitizing procedures must be performed prior to restarting operation after extended breakdowns.

2. Filling area must be protected from the outside environment similar to processing area.

3. Containers must be sanitarily handled and protected from contamination, at all times.

4. When containers are removed from protective wrap, they must be covered, if not immediately used.

5. Finished product must immediately be moved to cold storage.

(d) Quality Control Procedures:

1. Water certificates shall be obtained from a HRS approved laboratory on an annual basis.

2. Finished product – A documented quality control program shall be established to ensure that product without a microbiological safety barrier, i.e. no heat treatment, is

monitored for food safety. The program must include a microbiological monitoring component, using standard plate count, coliforms, and E.coli as indicators of process control, that is sufficient to establish a base-line for the specific plant's process to ensure freedom from potential pathogenic microorganisms. Each production lot or each day's production (whichever is less) shall be monitored for compliance with the base-line data previously established for the processing plant.

3. Quality control records and records of process deviation shall be maintained after processing for a minimum of 90 days for fresh product and for two years for frozen product, and shall be readily available for inspection by United States Department of Agriculture or other authorized state or federal personnel.

- 4. Establish a record keeping system that will:
 - a. Track finished products to fruit used in production.
 - b. Tie products to specific periods of production.
 - c. Enable a recall procedure for unwholesome/unsafe products.

5. Upon a finding of a pertinent pathogenic microorganism associated with a product in distribution immediate notice shall be made to the United States Department of Agriculture or other agencies as provided by law.

(e) Personnel and Sanitary Facilities:

Plant shall take all reasonable measures and precautions to ensure that good manufacturing practices are followed with respect to cleanliness and disease control.

(7) Imported Juices:

(a) Single strength "ready-to-drink" citrus juices imported into the state of Florida from locations outside the United States shall not be packaged, sold, or blended with other citrus products in this state unless such imported juices are first pasteurized regardless of whether said juice is shipped into Florida from another state.

(b) Single strength "ready-to-drink" citrus juices from fruit produced in other states of the United States and imported into the state of Florida directly from another state of the United States, and which are accompanied by documentation certifying they have been processed in such a manner that will produce a minimum 5-log (i.e., 100,000-fold) reduction in the pertinent microorganisms, as defined in Title 21, Code of Federal Regulations, Section 101.17(g), April 1, 1999, may be packaged, sold, or blended with any other citrus products in this state without further processing.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.44, 601.53, 601.54 FS. History—Formerly 105-1.19(5), Revised 1-1-75, Formerly 20-64.20, Amended 2-20-96, 6-8-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Clark R. Jennings, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Clark R. Jennings, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 1999

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Ownership and Use of "Made With Florida Citrus" Mark
RULE CHAPTER NO.: 20-111

RULE TITLES: Ownership
General Restrictions on Use of the Mark
Standards for Non-beverage Food Products
RULE NOS.: 20-111.001
20-111.003

Bearing the Mark 20-111.007
Standards for Citrus Wines Bearing the Mark 20-111.008

PURPOSE AND EFFECT: Would create a new section 20-111.008, extending use of the "Made With Florida Citrus" trademark to citrus wines made with Florida citrus. Amendments would also clarify provisions relating to "processing partner" agreements and "exclusive category rights."

SUMMARY: Amendments would extend "Made With Florida Citrus" trademark to use on citrus wines and would clarify provisions relating to "processing partner" agreements and "exclusive category rights."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.10(1), 601.11, 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.101 FS.

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

TIME AND DATE: 10:30 a.m., January 19, 2000

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-111.001 Ownership.

The "Made With Florida Citrus" symbol, as shown below, is a registered ~~trademark~~ ~~certification mark~~ of the State of Florida, Department of Citrus.



All right, title and interest in and to said mark, granted to and vested in the State of Florida, Department of Citrus, via State and Federal laws, is hereby noticed to all interested persons.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101 FS. History—New 4-28-98, Amended _____.

20-111.003 General Restrictions on the Use of the Mark.

(1) Use of the mark shall be restricted to the use in conjunction with the advertising, promotion, merchandising, sales, and packaging of non-beverage food products and citrus wines made with citrus from Florida which meet the description and standards as set forth in this chapter section 20-111.007.

(2) The mark shall not be used in any advertising, promotion, merchandising or packaging in lieu of a brand name or used in conjunction with a brand name in such a manner as to dominate or appear to be a part of a brand name.

(3) The mark as shown in section 20-111.001 must be used in its entirety.

(4) Each licensee or other authorized user of the mark shall deliver to the Department of Citrus for its records, a finished sample of any material bearing the mark, including product labels and advertisements.

(5) The licensee shall indemnify the Department and save it harmless with respect to any claims arising out of the use of its products bearing the mark by any person, or any claims arising out of misbranding or false or misleading advertising by the licensee.

(6) All products bearing the mark shall be subject to sampling and analysis.

(7) Each licensee or other authorized user of said mark shall be required, as a condition for such authorization, to allow reasonable and periodic inspections by a Department of Citrus representative or agent of the pertinent records and the processing or manufacturing premises of said users in order to determine whether or not said products meet the requirements set forth herein and otherwise to protect the integrity of said mark.

(8) In the case of persons packing products bearing the mark outside the state of Florida, permission shall be secured from each Florida supplier by the mark user to allow for the inspection of the supplier's pertinent records by the Department in order to determine whether or not citrus product supplied meets requirements set forth herein.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101 FS. History—New 4-28-98, Amended _____.

20-111.007 Standards for Non-beverage Food Products Bearing the Mark.

Non-beverage food products, including but not limited to fruit salads, spreads, sauces, dressing, syrups, baked goods, cereals, mixes, seasonings, frozen desserts, and snack foods, made with Florida citrus or citrus products may bear the mark provided:

(1) Citrus fruit or citrus products used in the manufacture of the food product packaged under an individual brand or label bearing the mark is supplied in its entirety from a Florida licensed citrus fruit dealer, "processing partner," who has signed and placed on file with the Department, a "Made With Florida Citrus Florida Processor's Agreement Form" DOC/LEG/21 EFF. 1/1/98, incorporated herein by reference, and

(2) At least 25% of the food product's total ingredients are Florida citrus, Florida citrus products or Florida citrus by-products, and

(3) All citrus fruit or citrus fruit products used are from citrus grown in the state of Florida. In-state processors who prepare non-beverage food products using 100% Florida grown fruit processed at their own facility shall be eligible to use the "Made With Florida Citrus" symbol on qualifying food products without dealing with a "processing partner." However, such in-state processors shall not be eligible for exclusive category rights as described in section 20-111.0021 of this rule chapter.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101 FS. History—New 4-28-98, Amended _____.

20-111.008 Standards for Citrus Wines Bearing the Mark. Wines made with Florida citrus or citrus products may bear the mark provided:

(1) Citrus fruit or citrus products used in the manufacture of the citrus wine packaged under an individual brand or label bearing the mark is supplied in its entirety from a Florida licensed citrus fruit dealer, and

(2) At least 50% of the total ingredients of the wine are Florida citrus, Florida citrus products or Florida citrus by-products, and

(3) Alcohol content shall be limited to not more than 14% by volume, and

(4) All citrus fruit of citrus fruit products used are from citrus grown in the state of Florida.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clark R. Jennings, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Clark R. Jennings, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 1999

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLES: Definitions
Division Sponsored Reemployment Services and Programs

RULE NOS.: 38F-55.001
38F-55.011

PURPOSE AND EFFECT: To change the definition of "education program" in 38F-55.001; and to address the educational programs and facilities when the Division determines a training program is necessary to return an injured employee to suitable gainful employment.

SUMMARY: Redefines "education program"; gives the Division the exclusive right to determine the educational programs and facilities to return an injured employee to suitable gainful employment; and deletes section 440.591, F.S., as specific authority.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule is anticipated to have no cost to the agency other than the normal expenses incurred in the promulgation of administrative rules; will have no special or particular impact upon small businesses, counties, or cities; and will not adversely impact competition and the open market for employment.

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: 440.15(1), 440.491(5),(6),(7),(8) FS.

LAW IMPLEMENTED: 440.15, 440.491 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE ADVERTISED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paul Lincolnhol, SMA II, Bureau of Rehabilitation and Medical Services, Suite 100, Forrest Building, 2728 Centerview Drive, Tallahassee, FL 32399; telephone number (850)488-3431, Ext. 318

THE FULL TEXT OF THE PROPOSED RULES IS:

38F-55.001 Definitions.
(1) through (4) No change.
(5) "Education program" means a formal course of study or a certificate program in a training and education facility, agency or institution operating under chapters ~~239 Part II, 240 Parts II and III~~ or 246, Florida Statutes, or a career education program defined in Chapter 228.041(22)(c), Florida Statutes (1997), which states: "At the post secondary education level, courses of study that provide vocational competencies needed for entry into specific occupations or for advancement within an occupation." and ~~subject to the rules of the State Board of Independent Post secondary Vocational, Technical, Trade and Business Schools as provided by sections 246.201 — 246.231, Florida Statutes; or any community college established under part III of chapter 240, Florida Statutes; or a career education program as defined by section 228.041(22)(a)3., Florida Statutes; or any formal training course for regulated occupations approved by any state regulatory agency.~~ Outside of the State of Florida, an education program shall be approved as governed by comparable statutes of that state by the education regulatory agency of the state in which it is taught.

(6) through (18) No change.

Specific Authority 440.15(1), 440.491(5), (6), (7), (8), ~~440.591~~ FS. Law Implemented 440.15, 440.491 FS. History—New 7-1-96, Amended.

38F-55.011 Division Sponsored Reemployment Services and Programs.

(1) through (3) No change.

(4) If the Division determines a training program is necessary to return an injured employee to suitable gainful employment, the Division shall have the exclusive right to determine the educational programs and facilities at which to sponsor the injured employee. The Division shall determine the educational facility or institution at which to sponsor the injured employee. The Division shall not provide, nor sponsor, reemployment services at a location not approved by the Division.

(a) Training at private education facilities shall not be approved unless such recommended training is not offered at a public educational facility or provides an overall cost/time savings to the Workers' Compensation System, which can be justified.

(b) Training programs which only accept students from an applicant pool after the students complete a prerequisite curriculum may be approved only if the injured employee presents evidence of acceptance into such program.

(c) Baccalaureate or Graduate level studies may be approved only if the program capitalizes on prior education and/or aptitudes, and

1. The program under consideration firmly establishes marketability toward suitable gainful employment for that injured employee, and

2. The injured employee presents evidence of acceptance into a degree program prior to the Division's Disposition letter of approval, and

3. The program does not exceed the level of a Master's degree.

(5) through (8) No change.

Specific Authority 440.491(5),(6), ~~440.591~~ FS. Law Implemented 440.491 FS. History--New 7-1-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul Lincolnhol

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Reginald L. Watkins, Bureau Chief

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 1999

DATE, VOLUME AND PAGE NUMBER WHERE NOTICE OF RULE DEVELOPMENT WAS PUBLISHED IN FAW: October 22, 1999, Vol. 25, No. 43, pages 4826, 4827

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE TITLE: Complaints

RULE NO.: 60Y-5.001

PURPOSE AND EFFECT: The goal of the proposed rule amendments is to simplify and clarify the requirements of a complaint filed with the Florida Commission on Human Relations. The effect of the proposed rule amendments is that rule requirements will comport with the statutory requirements. SUMMARY: 60Y-5.001 sets forth the rule requirements of a complaint filed with the Florida Commission on Human Relations. The proposed rule amendments will result in rule requirements that comport with the statutory requirements. A complaint will be permitted to be filed at any time within 365 days of the occurrence of the alleged unlawful employment practice. In addition, a complaint will need to be in writing, signed by the Complainant, verified, and sufficiently precise to identify the parties and to describe generally the action or practice complained of. When it is determined that a complaint has been timely filed, the Commission, within 5 days of the complaint being filed, shall send by registered mail notice of the filing and a copy of the complaint to the respondent. An amendment likewise will be sent by registered mail to the respondent.

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: 760.06, 760.10, 760.11(1) 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., January 6, 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: Stan Gorsica, Attorney, Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida 32303-4149, (850)668-7283

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-5.001 Complaints.

(1) No change.

(2) Time for Filing. A complaint may be filed at any time within ~~365~~ 180 days of the occurrence of the alleged unlawful employment practice. If the alleged unlawful employment practice is of a continuing nature, the date of the occurrence may be any date subsequent to the commencement of the unlawful employment practice up to and including the date on which it shall have ceased.

(3) through (6)(a) No change.

(6)(b) Notwithstanding the provision of paragraph (a) of this subsection, a complaint is sufficient if it is in writing, signed by the Complainant, verified, under oath or affirmation and is sufficiently precise to identify the parties and to describe generally the action or practice complained of.

(7) through (8) No change.

(9) Notice to Respondent. When it is determined that a complaint has been timely filed, the Commission, Executive Director within 5 days of the complaint being filed, shall send by registered mail ~~cause~~ notice of the filing and a copy of the complaint to ~~be served upon~~ the respondent. An amendment likewise shall be sent by registered mail to the ~~served upon a~~ respondent. ~~Notice should be served within 15 days of the date of filing.~~

(10) No change.

Specific Authority 760.06(12), 760.11(14) FS. Law Implemented 760.06, 760.10, 760.11(1) FS. History--New 11-2-78, Amended 10-4-82, Formerly 22T-9.01, 22T-9.001, Amended 1-28-99, _____.

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: October 6, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Municipal Police Officers' Retirement Trust Fund	60Z-1
RULE TITLES:	RULE NOS.:
Annuity or Life Insurance; Plans for Purchase to be Reviewed by the Division of Retirement	60Z-1.001
No Refunds before Termination of Employment; Exceptions	60Z-1.002
Contribution Begins upon Employment	60Z-1.003
Credited Years of Service Construed	60Z-1.004
Compensation Defined	60Z-1.005
No Deductions after Normal Retirement Date	60Z-1.006
Police Officer Defined	60Z-1.007
Deduction for Disability Payments; Method of Determination	60Z-1.008
Reactivated Retirement Fund; Responsibility of City	60Z-1.009
Amending Existing Pension Plans	60Z-1.010
Exclusion of Benefits upon Transfer to State or State and County Retirement System	60Z-1.011
Investments	60Z-1.012
Compliance Required	60Z-1.013
Determination of Compliance	60Z-1.014
Deposit of Funds	60Z-1.015
Designation of Beneficiary	60Z-1.016
Information Supplied by Municipalities	60Z-1.017
Statements of Disbursements	60Z-1.018
Proceedings by the Division	60Z-1.019
Investment of Funds	60Z-1.020
Disability in Line of Duty	60Z-1.021
Pension Plans for Policemen and Other Employees	60Z-1.022
Determination of Benefits	60Z-1.023
Extra Benefits	60Z-1.024
Termination of the Plan	60Z-1.025

PURPOSE AND EFFECT: To repeal rule 60Z-1, pertaining to the retirement trust fund for municipal police officers, which has been rendered obsolete by Chapter 99-1, Laws of Florida.

SUMMARY: The Municipal Police Officers' Retirement Trust Fund rules are being repealed because they have been rendered obsolete by the passage of Chapter 99-1, Laws of Florida, which revised Chapter 185, F.S.

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 cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 185.23(2) FS.

LAW IMPLEMENTED: Chapter 99-1, Laws of Florida.

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., January 4, 2000

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia Shoemaker, Benefits Administrator, Division of Retirement, Cedars Executive Center, Building B, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULES IS:

60Z-1.001 Annuity or Life Insurance; Plans for Purchase to Be Reviewed by the Division of Retirement.

Specific Authority 185.23 FS. Law Implemented 185.06(1), 185.061 FS. History--New 12-20-62, Repromulgated 12-24-74, Formerly 4-14.01, 4-14.001, Repealed.

60Z-1.002 No Refunds before Termination of Employment; Exceptions.

Specific Authority 185.23 FS. Law Implemented 185.15, 185.19 FS. History--New 12-20-62, Repromulgated 12-24-74, Formerly 4-14.02, 4-14.002, Repealed.

60Z-1.003 Contribution Begins upon Employment.

Specific Authority 185.23 FS. Law Implemented 185.07(2), 185.14 FS. History--New 12-20-62, Repromulgated 12-24-74, Formerly 4-14.03, 4-14.003, Repealed.

60Z-1.004 Credited Years of Service Construed.

Specific Authority 185.23 FS. Law Implemented 185.02(6) FS. History--New 12-20-62, Repromulgated 12-24-74, Formerly 4-14.04, 4-14.004, Repealed.

60Z-1.005 Compensation Defined.

Specific Authority 185.23 FS. Law Implemented 185.061(6)(b) FS. History--New 12-20-62, Repromulgated 12-24-74, Formerly 4-14.05, 4-14.005, Repealed.

60Z-1.006 No Deductions after Normal Retirement Date.

Specific Authority 185.23 FS. Law Implemented 185.07(2) FS. History--New 2-20-62, Repromulgated 12-24-74, Formerly 4-14.06, 4-14.006, Repealed.

60Z-1.007 Police Officer Defined.

Specific Authority 185.23 FS. Law Implemented 185.02(1) FS. History--New 12-20-62, Repromulgated 12-24-74, Formerly 4-14.07, 4-14.007, Repealed.

60Z-1.008 Deduction for Disability Payments; Method of Determination.

Specific Authority 185.23 FS. Law Implemented 185.16(2) FS. History--New 12-20-62, Repromulgated 12-24-74, Formerly 4-14.08, 4-14.008, Repealed.

60Z-1.009 Reactivated Retirement Fund; Responsibility of City.

Specific Authority 185.23 FS. Law Implemented 185.37 FS. History--New 12-20-62, Repromulgated 12-24-74, Formerly 4-14.09, 4-14.009, Repealed.

60Z-1.010 Amending Existing Pension Plans.

Specific Authority 185.23 FS. Law Implemented 185.16, 185.161, 185.18, 185.19, 185.21 FS. History--New 5-20-64, Repromulgated 12-24-74, Formerly 4-14.10, 4-14.010, Repealed.

60Z-1.011 Exclusion of Benefits upon Transfer to State or State and County Retirement System.

Specific Authority 185.23 FS. Law Implemented 121.081(1)(g), 185.03, 185.32 FS. History--New 4-12-82, Formerly 4-14.11, 4-14.011, Repealed.

60Z-1.012 Investments.

Specific Authority 185.23 FS. Law Implemented 185.06 FS. History--New 4-12-82, Formerly 4-14.12, 4-14.012, Repealed.

60Z-1.013 Compliance Required.

Specific Authority 185.23 FS. Law Implemented 185.10, 185.35 FS. History--New 4-12-82, Formerly 4-14.13, 4-14.013, Repealed.

60Z-1.014 Determination of Compliance.

Specific Authority 185.23 FS. Law Implemented 185.07(4), 185.09, 185.10, 185.221(1)(d), 185.35, 185.35(1)(j), 633.382(4)(b) FS. History--New 4-12-82, Formerly 4-14.14, 4-14.014, Repealed.

60Z-1.015 Deposit of Funds.

Specific Authority 185.23 FS. Law Implemented 112.62, 112.64(1), 185.11 FS. History--New 4-12-82, Formerly 4-14.15, 4-14.015, Repealed.

60Z-1.016 Designation of Beneficiary.

Specific Authority 185.23 FS. Law Implemented 185.162 FS. History--New 4-12-82, Formerly 4-14.16, 4-14.016, Repealed.

60Z-1.017 Information Supplied by Municipalities.

Specific Authority 185.23 FS. Law Implemented 185.10, 185.221, 185.35(1)(l), 215.32(2)(b)1. FS. History--New 4-12-82, Formerly 4-14.17, 4-14.017, Repealed.

60Z-1.018 Statements of Disbursements.

Specific Authority 185.23 FS. Law Implemented 185.221(1)(b), (e), 185.35(1)(l) FS. History--New 4-12-82, Formerly 4-14.18, 4-14.018, Repealed.

60Z-1.019 Proceedings by the Division.

Specific Authority 185.23 FS. Law Implemented 185.10, 185.35 FS. History--New 4-12-82, Formerly 4-14.19, 4-14.019, Repealed.

60Z-1.020 Investment of Funds.

Specific Authority 185.23 FS. Law Implemented 185.35(3) FS. History--New 4-12-82, Formerly 4-14.20, 4-14.020, Repealed.

60Z-1.021 Disability in Line of Duty.

Specific Authority 185.23 FS. Law Implemented 185.34 FS. History--New 4-12-82, Formerly 4-14.21, 4-14.021, Repealed.

60Z-1.022 Pension Plans for Policemen and Other Employees.

Specific Authority 185.23 FS. Law Implemented 185.35 FS. History--New 4-12-82, Formerly 4-14.22, 4-14.022, Repealed.

60Z-1.023 Determination of Benefits.

Specific Authority 185.23 FS. Law Implemented 185.35(1)(g) FS. History--New 4-12-82, Formerly 4-14.23, 4-14.023, Repealed.

60Z-1.024 Extra Benefits.

Specific Authority 185.23 FS. Law Implemented 185.35(2) FS. History--New 4-12-82, Formerly 4-14.24, 4-14.024, Repealed.

60Z-1.025 Termination of the Plan.

Specific Authority 185.23 FS. Law Implemented 185.37 FS. History--New 4-12-82, Formerly 4-14.25, 4-14.025, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: A. J. McMullian III, Director, Division of Retirement
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Cochran, Deputy Secretary, Department of Management Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Municipal Firefighters' Pension Trust Fund	60Z-2
RULE TITLES:	RULE NOS.:
Public Safety Officers	60Z-2.001
Exclusion of Benefits Upon Transfer to State or State and County Retirement System	60Z-2.002
Investments	60Z-2.003
Compliance Required	60Z-2.004
Determination of Compliance	60Z-2.005
Deposit of Funds	60Z-2.006
Designation of Beneficiary	60Z-2.007
Information Supplied by Municipalities	60Z-2.008
Statements of Disbursements	60Z-2.009
Proceedings by the Division	60Z-2.010
Investment of Funds	60Z-2.011
Disability in Line of Duty	60Z-2.012
Pension Plans for Firefighters and Other Employees	60Z-2.013
Determination of Benefits	60Z-2.014
Extra Benefits	60Z-2.015
Termination of the Plan	60Z-2.016

PURPOSE AND EFFECT: To repeal rule 60Z-2, pertaining to the retirement trust fund for municipal firefighters, which has been rendered obsolete by Chapter 99-1, Laws of Florida.

SUMMARY: The Municipal Firefighters' Pension Trust Fund rules are being repealed because they have been rendered obsolete by the passage of Chapter 99-1, Laws of Florida, which revised Chapter 175, F.S.

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 cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 175.341(2) FS.

LAW IMPLEMENTED: Chapter 99-1, Laws of Florida.

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., January 4, 2000

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia Shoemaker, Benefits Administrator, Division of Retirement, Cedars Executive Center, Building B, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULES IS:

60Z-2.001 Public Safety Officers.

Specific Authority 175.341 FS. Law Implemented 175.032(1)(a), 175.041(4), 175.122, 633.382(4)(b) FS. History--New 4-12-82, Formerly 4-54.01, 4-54.001, Repealed.

60Z-2.002 Exclusion of Benefits Upon Transfer to State or State and County Retirement System.

Specific Authority 175.341 FS. Law Implemented 121.081(1)(g), 175.041(3) FS. History--New 4-12-82, Formerly 4-54.02, 4-54.002, Repealed.

60Z-2.003 Investments.

Specific Authority 175.341 FS. Law Implemented 175.071 FS. History--New 4-12-82, Formerly 4-54.03, 4-54.003, Repealed.

60Z-2.004 Compliance Required.

Specific Authority 175.341 FS. Law Implemented 175.121, 175.351 FS. History--New 4-12-82, Formerly 4-54.04, 4-54.004, Repealed.

60Z-2.005 Determination of Compliance.

Specific Authority 175.341 FS. Law Implemented 175.091(4), 175.101, 175.111, 175.121, 633.382(4)(b) FS. History--New 4-12-82, Formerly 4-54.05, 4-54.005, Repealed.

60Z-2.006 Deposit of Funds.

Specific Authority 175.341 FS. Law Implemented 112.62, 112.64(1), 175.131 FS. History--New 4-12-82, Formerly 4-54.06, 4-54.006, Repealed.

60Z-2.007 Designation of Beneficiary.

Specific Authority 175.341 FS. Law Implemented 175.181(1) FS. History--New 4-12-82, Formerly 4-54.07, 4-54.007, Repealed.

60Z-2.008 Information Supplied by Municipalities.

Specific Authority 175.341 FS. Law Implemented 175.121, 175.261, 175.351(12), 215.32(2)(b)1. FS. History--New 4-12-82, Formerly 4-54.08, 4-54.008, Repealed.

60Z-2.009 Statements of Disbursements.

Specific Authority 175.341 FS. Law Implemented 175.261(1)(b), 175.351(12)(b)2. FS. History--New 4-12-82, Formerly 4-54.09, 4-54.009, Repealed.

60Z-2.010 Proceedings by the Division.

Specific Authority 175.341 FS. Law Implemented 175.121, 175.351 FS. History--New 4-12-82, Formerly 4-54.10, 4-54.010, Repealed.

60Z-2.011 Investment of Funds.

Specific Authority 175.341 FS. Law Implemented 175.321, 175.351(14) FS. History--New 4-12-82, Formerly 4-54.11, 4-54.011, Repealed.

60Z-2.012 Disability in Line of Duty.

Specific Authority 175.341 FS. Law Implemented 175.231, 175.321 FS. History--New 4-12-82, Formerly 4-54.12, 4-54.012, Repealed.

60Z-2.013 Pension Plans for Firefighters and Other Employees.

Specific Authority 175.341 FS. Law Implemented 175.321, 175.351 FS. History--New 4-12-82, Formerly 4-54.13, 4-54.013, Repealed.

60Z-2.014 Determination of Benefits.

Specific Authority 175.341 FS. Law Implemented 175.321, 175.351(7) FS. History--New 4-12-82, Formerly 4-54.14, 4-54.014, Repealed.

60Z-2.015 Extra Benefits.

Specific Authority 175.341 FS. Law Implemented 175.351(13) FS. History--New 4-12-82, Formerly 4-54.15, 4-54.015, Repealed.

60Z-2.016 Termination of the Plan.

Specific Authority 175.341 FS. Law Implemented 175.321, 175.361 FS. History--New 4-12-82, Formerly 4-54.16, 4-54.016, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: A. J. McMullian III, Director, Division of Retirement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Cochran, Deputy Secretary, Department of Management Services

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLES:	RULE NOS:
General	64E-20.002
Definitions	64E-20.003
Testing and Standards	64E-20.004
Non-compliance	64E-20.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to codify the recently enacted legislation that requires the Department of Health to certify the quality of compressed air sold to the public throughout the state for SCUBA diving. The

code will provide the method of sampling and testing that will be utilized; the interval of testing; will specify approved forms and certifications and will provide for enforcement.

SUMMARY: This new rule simply tells the public what standard SCUBA air will be expected to meet and it tells operators how often they need to submit their lab results.

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 provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice

SPECIFIC AUTHORITY: 381.895 FS.

LAW IMPLEMENTED: 381.895(6) 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: 1:00 p.m., January 6, 2000

PLACE: 1317 Winewood Boulevard, Room 203, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Padraic R. Juarez, Environmental Manager, Bureau of Facility Programs, 2020 Capital Circle, S. E., BIN A08, Tallahassee, Florida 32399-0171, (850)487-0004

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-20.002 General.

This rule regulates the maximum allowable levels for contaminants in compressed air for use in recreational sport diving. No person shall offer, for compensation, compressed air for use in recreational sport diving unless they have complied with all sections of this rule.

Specific Authority 381.895 FS. Law Implemented 381.895(6) FS. History-New

64E-20.003 Definitions.

(1) Operators – Any person(s) as described in Florida Statute 381.395(3).

(2) Quarterly – Once every three months.

Specific Authority 381.895 FS. Law Implemented 381.895(6) FS. History-New

64E-20.004 Testing and Standards.

(1) The Department of Health hereby adopts and incorporates by reference the Grade "E" air quality standard cited in the Commodity Specification for Air, CGA G-7.1-1997, published by the Compressed Gas Association (CGA).

(2) Operators must provide to the Department of Health on a quarterly basis the test results from an accredited laboratory. These test results may be provided to the Department of

Health, Bureau of Facility Programs, by e-mail, facsimile transmission, by regular mail or as described on voluntary DH form 4125, 1/2000.

Specific Authority 381.895 FS. Law Implemented 381.895(6) FS. History-New

64E-20.005 Non-compliance.

(1) Any person or entity which fails to submit test results on the quarterly schedule, or fails to post test results in a conspicuous location, or which submits test results not in compliance with the standards set forth in this rule, and continues to provide compressed air for compensation after receiving a failed test report, shall be in violation of this rule and section 381.895, F.S.

(2) The Department of Health shall issue a Notice of Non-Compliance in the event a person or entity fails to submit test results on the quarterly schedule established by the Department of Health, or fails to post a certificate from an accredited laboratory in a conspicuous location, or operates after they have received test results showing non-compliance.

Specific Authority 381.895 FS. Law Implemented 381.895(6) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Padraic Juarez, Environmental Specialist, Bureau of Facility Programs

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Eric Grimm, Chief, Bureau of Facility Programs

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

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

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.141	Minimum Filing Requirements for Rate-of-Return Regulated Local Exchange Companies
25-4.202	Construction and Waivers

AMENDED NOTICE OF AGENDA CONFERENCE

The Public Service Commission, at the agenda conference scheduled for 9:30 a.m. on December 21, 1999, in Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL, in Docket No. 980569-PU, will consider approving the proposed amendments to Rule 25-4.141, Minimum Filing Requirements for Rate-of-Return Regulated Local Exchange Companies; Commission Designee; Rule 25-4.202, Construction and Waivers. The proposed