

69I-20.0029 Survivorship Accounts Reported by a Financial Institution.

(1) In the absence of evidence to the contrary, an unclaimed demand, savings, or checking account from a financial institution as defined in Section 655.005, F.S., reported to the Department as an “and” account or as an “or” account, or otherwise reported in the name of two or more persons shall be treated as a survivorship account notwithstanding Rule 69I-20.0028, F.A.C.

(2) This rule relates to proving entitlement pursuant to Section 717.126, F.S., and shall not be interpreted as affecting any private cause of action that one account holder may have against a joint account holder.

Specific Authority 717.138 FS. Law Implemented 655.005, 655.79, 717.12403, 717.126 FS. History–New _____.

69I-20.031 Holder Due Diligence.

Holders of inactive accounts having a value of \$50 or more shall, not more than 120 days and not less than 60 days prior to filing the unclaimed property report, send written notice to the apparent owner's last known address informing the apparent owner that the holder is in possession of property subject to Florida’s Disposition of Unclaimed Property Act, Chapter 717, Florida Statutes. However, if the holder has in its records an address for the apparent owner which the holder's records disclose to be inaccurate, the holder shall use due diligence to locate the apparent owner. “Due diligence” means the use of reasonable and prudent methods under particular circumstances to locate apparent owners of inactive accounts using a taxpayer identification number or social security number, if known. Reasonable and prudent methods may include, but are not limited to, using a nationwide database, cross-indexing with other records of the holder, or engaging a licensed agency or company capable of conducting such search and providing updated addresses.

Specific Authority 717.138 FS. Law Implemented 717.101, 717.117 FS. History–New _____.

69I-20.050 Voluntary Disclosure Agreements.

(1) The Department's ~~mission goal~~ is to collect and return unclaimed property to its rightful owners in accordance with the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S. To achieve these results, the Department is encouraging businesses (“Holders”) inside and outside the State of Florida who are in possession of unclaimed property to comply with Florida’s Unclaimed Property Law. This compliance can be achieved using a program called voluntary disclosure. This program provides the following benefits to a ~~Holder holder~~:

(a) It relieves the Holder of associated expense and liability holding unclaimed property;

(b) Penalties and fines are not assessed by the Department;

(c) The reach back period for the review of the Holder’s records is five years instead of ten years; and

(d) The audit period for verification of the disclosure is two years from the date that the report and remittance is accepted by the Department.

(2) To participate in this program, the Holder must not:

(a) Be currently under examination or audit; ~~or~~

(b) Have filed an annual report of unclaimed property with the Department,

(c) Have agreed to a Department assisted or contractor assisted self-audit,

(d) Have been requested to conduct a Department assisted or contractor assisted self-audit, or

(e) Have been notified by the Department or by one of the Department’s contract auditors of the intention or desire to conduct an examination or audit of the holder.

Specific Authority 717.117(1), 717.138 FS. Law Implemented 717.117, 717.119, 717.129 FS. History–New 1-3-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Walter Graham, Chief, Bureau of Unclaimed Property

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2008

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.001	Definitions
5F-11.022	Marking of Containers
5F-11.026	Unsafe Container or System
5F-11.029	Inspection of DOT Cylinders
5F-11.047	Connecting or Disconnecting Cylinders, Tanks, or Systems;
	Notice to Owner; Transportation
5F-11.080	Penalties; General

- 5F-11.081 Aggravating and Mitigating Factors; Warning Letters
- 5F-11.082 Resolution of Violations, Settlement, and Additional Enforcement Remedies
- 5F-11.083 Facility Inspection Report; Failure to Correct
- 5F-11.084 Accident Related Violations
- 5F-11.085 Hazardous Acts
- 5F-11.086 Violations; Enforcement Actions
- 5F-11.087 Repeat Violations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 6, February 8, 2008 issue of the Florida Administrative Weekly.

5F-11.001 Definitions.

(1) Unless otherwise expressly stated, the term “approved” shall, for the purpose of these rules and regulations, mean accepted by the Bureau of Liquefied Petroleum Gas Inspection by reason of test, listing, or approval by Underwriters’ Laboratories, Inc., the American Gas Association Laboratories, Canadian Gas Association, or other nationally recognized testing laboratory.

(2) “Nationally recognized testing laboratory” means a facility which:

- (a) Is regularly engaged in the examination, testing and evaluation of the type of product, equipment or material required to be tested under the applicable statute or regulation;
- (b) Has established test standards with regard to the type product, equipment or material required to be tested;
- (c) Has an established program for periodic inspection of factory production procedure, including quality control; and
- (d) Operates independently of control or influence of producers, suppliers, or vendors, of the product, equipment or material being tested under the applicable statute or regulation.

(2) The term “tank” shall, for the purpose of these rules, mean any liquefied petroleum gas container manufactured to the specifications of the American Society of Mechanical Engineers (ASME) in the “ASME Boiler and Pressure Vessel Code” as referenced in NFPA 58.

(3) The term “cylinder” shall, for the purpose of these rules, mean any liquefied petroleum gas container designed, constructed, tested and marked in accordance with the United States Department of Transportation specifications outlined in Title 49, Code of Federal Regulations, titled “Transportation” as referenced in NFPA 58.

(4) The term “container” shall, for the purpose of these rules, mean any vessel, including tanks and cylinders of any specification, which are used for the transporting or storing of liquefied petroleum gases.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History–New 8-7-80, Amended 7-18-85, Formerly 4B-1.21, Formerly 4B-1.021, Amended 3-15-94, 7-20-95,_____.

5F-11.022 Marking of Containers.

(1) All dealer-owned containers, aboveground or underground, installed at consumer locations shall be marked in a legible manner with the name and telephone number of the owner by decal, tag, stencil, or similar marking.

(2) Containers gained through acquisition shall be marked as soon as reasonably possible, but no later than 24 months after acquisition.

(3) Failure to mark all dealer-owned containers in a legible manner with the name and phone number of the owner shall result in the following penalties:

- (a) First Offense: Warning letter.
- (b) Second Offense: \$500 fine.
- (c) Third Offense: \$1,000 fine.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History–New 8-7-80, Formerly 4A-1.16, Formerly 4B-1.12, 4B-1.012, Amended 3-15-94,_____.

5F-11.026 Unsafe Container or System.

(1)(a) Any system or container that fails to comply with Chapter 527, F.S., this rule chapter, and any standards incorporated by reference shall be designated unsafe by ~~bureau~~ division staff by means of a “red tag” indicating the inspector’s name and the date of inspection. ~~where the violation creates an immediate threat to safety.~~

(b) ~~Systems identified by the bureau in this manner, i.e. red-tagged,~~ shall not continue in service until all deficiencies violations have been corrected.

(2) The owner of any container or system red-tagged ~~by the division~~ will be notified immediately by the bureau and furnished a copy of the inspection report identifying indicating the violations deficiencies found.

(3)(a) A red tag placed on a system or container shall not be removed until all violations inspection deficiencies have been corrected and the bureau or its representative removes or authorizes removal of the red tag from the system or container. Operation of redtagged equipment or systems or removal of a redtag without authorization of the department shall result in the following penalties:

- 1. First Offense, Cylinder Exchange Unit Operator license category: \$1,000 fine.
- 2. First Offense – all other license categories: \$3,000 fine.
- 3. Second Offense: License suspension.

(b) The red tag must be returned to the bureau immediately upon removal.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History–New 3-15-94, Formerly 4B-1.037, Amended 7-20-95,_____.

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, ~~Annex Appendix~~ C, of NFPA 58.

(b) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(c) The cylinder is painted or coated to retard corrosion.

(d) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(e) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(f) The cylinder is installed on a firm foundation and is not in contact with the soil.

(g) A cylinder that passes the visual examination shall be legibly marked with the date and year of the examination followed by the letter "E" (example:10-1E indicating requalification in October 2001 by the external visual inspection method.)

(h) The results of the visual inspection shall be documented and a record of the inspection shall be retained for a five-year period.

(2) Any cylinder that fails one or more of the criteria in this section shall not be refilled or continued in service until the condition is corrected. Stationary cylinders shall be visually inspected within 12 years of the date of manufacture and within five years after each subsequent visual inspection.

(3) All DOT cylinders in stationary service on the effective date of this rule, and which are not requalified according to U.S. Department of Transportation standards, shall be inspected according to the criteria of this section no later than January 1, 2008.

(4) Personnel trained and qualified to perform inspection procedures, with such training documented in accordance with Section 5F-11.060, Florida Administrative Code, shall conduct the visual inspection.

(5) Failure to inspect a stationary DOT cylinder as required in this rule shall result in the following administrative penalties:

- (a) First Offense: \$500 fine.
- (b) Second Offense: \$1,000 fine.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 5-9-04, Amended 1-29-06, _____.

5F-11.047 Connecting or Disconnecting Cylinders, Tanks, or Systems; Notice to Owner; Transportation.

(1) No person, firm or corporation, other than the owner and those authorized by the owner, shall connect or disconnect any cylinder, tank, or system containing liquefied petroleum gas, except in an out-of-gas situation, unless due and sufficient notice has been given by any person, firm or corporation to the owners of any cylinder or tank, prior to disconnecting or connecting such cylinder, tank, or system. Due and sufficient notice shall be received by the owners at least two (2) working days prior to installing the cylinder, tank, or system of said person, firm, or corporation, and shall be evidenced by a signed receipt. Acceptable evidence of receipt of notification shall be a signed certified mail receipt, signed receipt of hand delivery or facsimile transmission receipt. If after two working days the cylinder, tank or system has not been disconnected by the owner, the said person, firm or corporation, may then disconnect downstream of the system regulator or meter. It shall be mandatory that the person, firm or corporation who so disconnects any such cylinder or tank, whether empty or full, upon the premises of a consumer, does so in a manner that renders the cylinder or tank tight with valves turned off, the cylinder or tank service valve plugged with brass or steel fittings, and all other cylinder, tank or system openings properly plugged. In addition, any cylinder, tank or system disconnected must be done so in a manner that is in compliance with the requirements of NFPA 58.

(2) In an out-of-gas situation and upon receiving authorization from the end user or owner of the cylinder, tank or system, the person, firm or corporation may disconnect the cylinder, tank or system downstream of the system regulator or meter. A person, firm or corporation who disconnects any cylinder, tank or system shall notify the owner of the cylinder, tank or system ~~within immediately, but not to exceed~~ 24 hours, followed by written notification within 5 working days after said disconnect. Acceptable evidence of receipt of notification shall be a signed certified mail receipt, signed receipt of hand delivery or facsimile transmission receipt.

(3) The owner of any disconnected cylinder, tank or system must remove the cylinder or tank from the premises of the consumer or end-user within 30 working days after notification. No person, firm or corporation, other than the owner and those authorized to do so, shall transport or carry by any means of conveyance whatsoever, any cylinder or tank containing liquefied petroleum gas, whether in the liquid or vapor state. Failure to remove a disconnected cylinder, tank or system from the premises of the consumer or end-user within 30 working days from the notice of disconnection shall result in the following penalties:

- (a) First Offense: \$500 fine.
- (b) Second Offense: \$1,000 fine.
- (c) Third Offense: \$1,500 fine.

(4) Complaints concerning violations of this section must be filed within 90 days of the occurrence.

(5) Connecting or disconnecting a cylinder, tank or system without proper notification as prescribed in this section will result in the following penalties:

- (a) First Offense: \$500 fine.
- (b) Second Offense: \$1,000 fine.
- (c) Third Offense: \$1,500 fine.
- (d) Fourth Offense: \$2,000 fine
- (e) Fifth Offense: \$2,500 fine.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.07 FS. History—New 8-7-80, Formerly 4A-1.11, Amended 7-18-85, Formerly 4B-1.08, Amended 2-6-90, 2-5-91, Formerly 4B-1.008, Amended _____.

5F-11.080 Penalties; General.

(1) The Department will apply penalties as provided in Chapter 527, Florida Statutes, and this rule chapter, for violations of Chapter 527, Florida Statutes, Chapter 5F-11, Florida Administrative Code, or codes adopted in this rule chapter.

(1) In addition to the penalties provided in Chapter 527, Florida Statutes, and this rule chapter, the Department shall order or require remedial training for violations which have occurred as the result of inadequate training.

(2) Any department investigation or inspection which reveals minor violations for which the department has reason to believe that the violator was unaware of the law or rule or unclear as to how to comply with it, will result in the issuance of an inspection report, notice of noncompliance or a warning letter as the department's first response to a violation. For the purposes of this section a minor violation includes, but is not limited to, general violations of a non-threatening nature, i.e. housekeeping issues such as a lack of proper signage, painting required, weeds growing around containers, storage of combustibles too close to a container, or failure to file proper paperwork.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.081 Aggravating and Mitigating Factors; Warning Letters.

A showing of one or more of the following aggravating or mitigating circumstances presented to the finder of fact will be considered by the Department when imposing administrative actions:

- (a) The violation was committed maliciously.
- (b) The danger to public safety or welfare.
- (c) The number of previous violations for the same type of offense, whether or not disciplinary action was taken.
- (d) The length of time the violator engaged in the prohibited activity.
- (e) The length of time since the violation occurred.

(f) Previous disciplinary action against the violator in this or any other jurisdiction.

(g) The amount of damage to persons or property caused by the violation.

(h) The deterrent effect of the penalty imposed.

(i) Any efforts by the violator at rehabilitation.

(j) Attempts by the violator to correct violations or the failure to correct violations.

(k) The violator's prior knowledge of Chapter 527, F.S.

(l) Whether the violation resulted from negligence or an intentional act.

(m) Financial hardship.

(n) The cost of disciplinary proceedings.

(o) The number of other violations proven in the same proceeding.

(p) The violation occurred while on probation.

(q) Any other aggravating or mitigating circumstances.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.082 Resolution of Violations, Settlement, and Additional Enforcement Remedies.

(1) The Department and the violator may agree to resolve violations prior to administrative hearing, or to enter into settlement pursuant to Section 120.57(4), Florida Statutes. The penalties addressed in this rule shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department may utilize all available remedies to ensure voluntary compliance including administrative action, civil actions and referrals for criminal prosecution. The Department shall enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement as authorized by law.

(2) Failure to respond to an administrative complaint shall result in the entry of a Final Order against the entity imposing administrative fines equal to twice the amount imposed in the original complaint, not to exceed \$3,000 per violation. A failure to comply with a Final Order of the department shall result in license revocation and additional penalties as prescribed by law.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.083 Facility Inspection Report; Failure to Correct.

(1) Failure to correct law, rule or code deficiencies identified in a Facility Inspection Report within the time period specified by the notice shall result in the following penalties unless otherwise specified in this rule chapter:

(a) First offense: \$500 fine.

(b) Second offense: \$1,000 fine.

(c) Third offense: \$1,500 fine.

The Facility Inspection Report is department form DACS-03522 which is adopted and incorporated by reference in Rule 5F-11.004, F.A.C.

(2) A time extension may be requested by the facility owner or operator in order to effectuate corrections to any deficiencies noted in a Facility Inspection Report. All such requests must be in writing and submitted prior to the correction date stated on the Facility Inspection Report. Written approval must be given to the facility owner or operator by the department in order to extend the correction date.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.084 Accident Related Violations.

(1) Violations found during the course of an accident investigation by the Department and that are determined to have contributed to the severity of the accident but were not a direct cause, shall result in the following penalties:

(a) Death, severe personal injury requiring professional medical treatment, or a total loss of property: \$1,500 fine per violation.

(b) Minor personal injury not requiring professional medical attention, or property damage over \$1,000 that is not a total loss: \$1,000 fine per violation.

(c) Property damage of less than \$1,000: \$500 fine per violation.

(2) Violations found during the course of an accident investigation that are determined to be a direct cause of the accident shall result in the following administrative fines:

(a) Death, severe personal injury requiring professional medical treatment, or a total loss of property: \$3,000 fine per violation.

(b) Minor personal injury not requiring professional medical attention, or property damage over \$1,000 that is not a total loss: \$2,000 fine per violation.

(c) Property damage of less than \$1,000: \$1,000 fine per violation.

(3) Any company found to be operating without a license and whose unlicensed activities result in an accident, shall receive a fine of \$3,000 for each violation found which contributed to the severity of, or is found to be the direct cause of the accident.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.085 Hazardous Acts.

Any department investigation or inspection conducted under the authority of Chapter 527, Florida Statutes, which reveals willful or intentional violation of the law, or any acts on the part of a person, firm, corporation, qualifier or master qualifier which are considered dangerous, hazardous or potentially

harmful in any way, shall result in the maximum penalties of \$3,000 per violation, with the consideration of license, qualifier or master qualifier certificate suspension or revocation. In determining license, qualifier or master qualifier certificate suspension or revocation, the department shall consider the offenders compliance record, good faith efforts in correcting the situation, the degree and extent of harm or potential harm, and other mitigating or aggravating circumstances as determined during investigation.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.086 Violations; Enforcement Actions.

(1) Conducting LP gas activities without the required insurance coverage in violation of Sections 527.02 and 527.04, Florida Statutes, shall result in the following penalties:

(a) First Offense: \$500 fine.

(b) Second Offense: \$1,000 fine.

(c) Third Offense: \$1,500 fine.

(2) Falsification of records relating to application for, or renewal of, qualifier or master qualifier status, including but not limited to misrepresentation of eligibility, of position within the licensed company, or place of full-time employment, shall result in the following penalties:

(a) First Offense: Warning letter.

(b) Second Offense: \$1,000 fine.

(3) Failure to notify the department of a loss of qualifier or master qualifier in violation of Section 527.0201, Florida Statutes, shall result in the following penalties:

(a) First Offense: \$500 fine.

(b) Second Offense: \$1,000 fine.

(4) Any company found to be operating without a license and whose unlicensed activities result in an accident, shall be fined \$3,000 per violation found. Companies found conducting unlicensed activities in the following categories, when such activities are not accident related, shall be penalized as follows:

(a) Categories I, II, IV, and Requalification and Fabrication

1. First Offense: \$500 fine.

2. Second Offense: \$1,000 fine.

3. Third Offense: \$1,500 fine.

(b) Installer and Specialty Installer Licenses.

1. First Offense: \$400 fine.

2. Second Offense: \$800 fine.

3. Third Offense: \$1,200 fine

(c) Category III, V, and Manufacturer of Equipment

1. First Offense: \$300 fine.

2. Second Offense: \$600 fine.

3. Third Offense: \$900 fine

(d) Dealer in Appliances and Equipment

1. First Offense: \$200 fine.

2. Second Offense: \$400 fine.

3. Third Offense: \$600 fine

(5) Failure to provide documentation of employee training upon request shall result in the following penalties:

(a) First Offense: \$500 fine.

(b) Second Offense: \$1,000 fine.

(c) Third Offense: \$1,500 fine.

(6) Filling a container without inspection or verification of compliance with codes shall result in the following penalties:

(a) First Offense: \$500 fine.

(b) Second Offense: \$1,000 fine.

(7) Transportation of propane cylinders in violation of the requirements of NFPA 58, shall result in the following penalties:

(a) First Offense: \$1,000 fine.

(b) Second Offense: \$2,000 fine.

(8) Failure to install LP gas appliances, piping, equipment in accordance with manufacturers instructions and/or safety codes adopted by this rule; or to install, disconnect, and/or store LP gas containers in accordance with rules and safety codes adopted in this rule chapter, when such installation causes direct or potential harm to individuals or property, shall result in the following administrative fines:

(a) First Offense: \$1,000 fine.

(b) Second Offense: \$2,000 fine.

(9) Failure to follow proper fill procedures, including overfilling of propane containers, shall result in the following penalties:

(a) First Offense: \$1,000 fine.

(b) Second Offense: \$2,000 fine.

(10) Failure to perform and/or document periodic testing required on propane cargo vehicles within the time frames prescribed by Title 49, Code of Federal Regulations, as referenced in NFPA 58, shall result in the following penalties for the referenced inspection:

(a) Annual External Visual and Leak Test:

1. First Violation: \$500 per vehicle

2. Second Violation: \$1,000 per vehicle

(b) Five-Year Cargo Vessel Pressure Test

1. First Violation: \$500 per vehicle

2. Second Violation: \$1,000 per vehicle

(c) Monthly Delivery Hose Inspection.

1. First Violation: \$500 per vehicle

2. Second Violation: \$1,000 per vehicle

(d) Monthly Emergency Shutoff Valve Test

1. First Violation: \$500 per vehicle

2. Second Violation: \$1,000 per vehicle

(11) The intentional alteration or disabling of any component in an LP gas system, including the container and its appurtenances, which either renders the equipment out of compliance with Chapter 527, Florida Statutes, this rule chapter, or any code adopted by reference herein; or which

renders the component inoperable, or prevents it from functioning as intended by the equipment manufacturer, shall result in the following penalties:

(a) First Violation: \$1,000 fine

(b) Second Violation: \$3,000 fine

(12) Failure to conduct a leak test in a new piping system, or in an out-of-gas or interrupted service situation, as required by NFPA 54 and Rule 5F-11.044, F.A.C., shall result in the following penalties:

(a) First Offense: \$1,000 fine.

(b) Second Offense: \$2,000 fine.

(13) Failure to respond to a verifiable leak call within a reasonable time period (non-accident related) or failure to physically respond to an emergency within 2 hours when contacted by an emergency response unit as required by Sections 527.065(4) and 527.065(5)], Florida Statutes, shall result in the following penalties:

(a) First Offense: \$1,000 fine.

(b) Second Offense: \$3,000 fine.

(14) Failure to provide local emergency response personnel with emergency contacts for after-hour emergencies; failure to post emergency numbers on the premises; or failure to relay messages on emergency answering services or machines within time frames as required by Section 527.065(3), Florida Statutes, shall result in the following penalties:

(a) First Offense: Warning letter.

(b) Second Offense: \$500 fine.

(c) Third Offense: \$1,000 fine.

(15) Failure to notify the department of any accident meeting the criteria of Section 527.065, Florida Statutes, shall result in the following penalties:

(a) First Offense: \$500 fine.

(b) Second Offense: \$1,000 fine.

(16) Selling, filling, refilling, delivering, or using an LP gas container for any gas or compound, or for any other purpose, without permission of the owner, in violation of Section 527.07, Florida Statutes, shall result in the following penalties:

(a) First Offense: \$500 fine.

(b) Second Offense: \$1,000 fine.

(17) Placing a bulk plant or dispensing unit into operation without submitting a site plan; or failure to call for a final inspection as required by Section 527.0605, Florida Statutes, shall result in the following penalties:

(a) First Offense: \$500 fine.

(b) Second Offense: \$1,000 fine.

(c) Third Offense: \$3,000 fine.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History–New _____.

5F-11.087 Repeat Violations.

(1) A repeat violation is one for which the license holder has a previous violation where an administrative penalty was imposed by the Department within the last three years. The three-year period shall be calculated from the date of the violation.

(2) Unless otherwise specified in this rule chapter, any person, firm or corporation who accumulates more than three administrative fines for violations of Florida’s laws, rules, regulations or codes within a three-year period, shall receive a \$3,000 penalty for each subsequent action, and, based on the nature and severity of the cumulative deficiencies, shall be subject to license suspension or revocation, as provided for in Section 527.14, F.S.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History–New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-22.001	Definitions
6A-22.002	Rehabilitation Provider Qualifications
6A-22.003	Reemployment Status Review
6A-22.004	Notice Requirements
6A-22.006	Screening Process
6A-22.008	Reemployment Services and Programs
6A-22.009	Employee Responsibilities
6A-22.010	Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities
6A-22.011	List of Forms
6A-22.012	Expenditures from the Workers’ Compensation Administrative Trust Fund

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 24, June 13, 2008 Florida Administrative Weekly has been continued from August 19, 2008 to October 21, 2008.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-11.001	Definitions
61D-11.0025	Notification in Writing
61D-11.004	Dealer Responsibilities
61D-11.006	Inspection of Premises, Records
61D-11.007	Cardroom Operator License
61D-11.009	Cardroom Employee Occupational License and Pari-Mutuel/Cardroom Combination License
61D-11.012	Duties of Cardroom Operators
61D-11.013	Display of Identification and Possession of Occupational Licenses
61D-11.014	Cards
61D-11.0145	Dominoes
61D-11.016	Card and Domino Tables
61D-11.0175	Count Rooms and Count Procedures
61D-11.018	Reporting Requirements to Determine Net Proceeds or Gross Revenues
61D-11.019	Internal Control System
61D-11.025	Cardroom Electronic Surveillance
61D-11.0279	Jackpots, Prizes, and Giveaways

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly. The changes are in response to written comments received from interested parties in the pari-mutuel industry and the Joint Administrative Procedures Committee. Changes to Rules 61D-11.012, 61D-11.0175, and 11.018, F.A.C., are a result of a Division of Administrative Hearings rule challenge, case no. 08-1310RP.

61D-11.001 Definitions.

(1) through (8) No change.

(9) “Cardroom gaming area” means any area of a licensed facility designated by the cardroom operator in its floor plan in which authorized games are played or where any type of cardroom operations may occur, such as handling of cash, chips, tokens, dominoes, or cards. The cardroom gaming area shall include entrances and exits.

(10)(9) “Cardroom surveillance” means the capability to observe and electronically record activities being conducted in a cardroom facility.

(11)(10) “Chips or tokens” mean a money substitute, redeemable for cash, issued and sold by a cardroom operator for use in cardroom games.

~~(12)~~~~(41)~~ "Day" means the 24-hour period that commences on the current calendar day at 6:00 a.m. and terminates at 5:59.59 a.m. the following calendar day.

~~(13)~~~~(42)~~ "Dedicated camera" means a color video camera that continuously records a specific activity.

~~(14)~~~~(43)~~ "Drop" means the total amount of money, chips, and tokens removed from the drop box.

~~(15)~~~~(44)~~ "Drop Box" means a locked container permanently marked with the number corresponding to a permanent number on the card or domino table.

~~(16)~~~~(45)~~ "Facility" means the cardroom, any storage area for card or domino tables, cards, chips, tokens, dominoes, drop boxes, tip boxes, records relating to cardroom activity, and other cardroom supplies, the count room, and imprest bank.

~~(17)~~~~(46)~~ "Game" means the completion of all betting rounds and final determination of a winner based upon the comparison of all cards dealt and held by players at the end of all betting at a table.

~~(18)~~~~(47)~~ "Hand" means the group of cards dealt to a player in a game.

~~(19)~~~~(48)~~ "Imprest bank" means the total amount of chips, tokens, and U.S. currency segregated for cardroom operation.

~~(20)~~~~(49)~~ "Imprest tray" means an area on a card table in which a predetermined dollar amount of chips, tokens, or U.S. currency is kept by the dealer.

~~(21)~~~~(20)~~ "Jackpot" means a cumulative pool of money collected from card games that is awarded to a player who holds a certain combination of cards specified by a cardroom operator.

~~(22)~~~~(21)~~ "Licensee" means a person holding any license issued by the division for purposes of cardroom operations.

~~(23)~~~~(22)~~ "Operate" means to conduct authorized games pursuant to Section 849.086, F.S., within a licensed cardroom facility. The term does not include the activities authorized in paragraph 61D-11.012(5)(c), F.A.C.

~~(24)~~~~(23)~~ "Playing light" means drawing chips or tokens from the pot to show how much a player owes when the player is out of chips or tokens in an effort to allow a player to continue without chips or tokens, until more chips or tokens are earned.

~~(25)~~~~(24)~~ "Pot" means the total amount wagered in a game or series of games of poker or dominoes.

~~(26)~~~~(25)~~ "Proposition player" means a player who is employed by a cardroom licensee, but who uses his own money to initiate or play in games.

~~(27)~~~~(26)~~ "PTZ Camera" means a light-sensitive video camera that possesses, at a minimum, pan, tilt, and zoom capabilities or features comparable thereto.

~~(28)~~~~(27)~~ "Raise" means to increase the size of the preceding bet.

~~(29)~~~~(28)~~ "Re-buy" means the additional tournament chips or tokens purchased by players according to the schedule of re-buys prominently displayed in the cardroom during tournament play.

~~(30)~~~~(29)~~ "Replenishment of chips or tokens" means in games of Texas Hold'em without a betting limit, when a player purchases additional chips or tokens above the minimum required and no more than the maximum allowed in the poker game being played.

~~(31)~~~~(30)~~ "Round of play" means, for any game of poker, the process by which cards are dealt, bets are placed and the winner is determined and paid in accordance with the rules of Chapter 61D-11, F.A.C.

~~(32)~~~~(31)~~ "Seeding the jackpot fund" means the cardroom operator contributes the initial value to start the jackpot fund. The amount of the cardroom operator's contribution shall not be deducted from the jackpot fund prior to the award of the jackpot.

~~(33)~~~~(32)~~ "Shift" means a period of time designated by the employer during which an employee works when a licensed cardroom is open to conduct business pursuant to Rule 61D-11.012, F.A.C.

~~(34)~~~~(33)~~ "Shill" means a player in a game provided by or employed by a cardroom operator who only bets with money provided by the cardroom operator.

~~(35)~~~~(34)~~ "Showdown" means the point in a poker game in which all hands are fully revealed to all other players and the hand with the best combination becomes the winner.

~~(36)~~~~(35)~~ "Shuffle" means the process of mixing or rearranging a deck of cards to remove the probability that a predetermined series of cards may be drawn from the deck after it is mixed or rearranged.

~~(37)~~~~(36)~~ "Side bets" means additional wagers made between two or more persons on the outcome or any portion of an authorized game other than wagers authorized pursuant to Chapter 849, F.S.

~~(38)~~~~(37)~~ "Surveillance room" means a secure location in a pari-mutuel facility used for cardroom surveillance.

~~(39)~~~~(38)~~ "Surveillance system" means a system of video cameras, monitors, recorders, and other ancillary equipment used for cardroom surveillance.

~~(40)~~~~(39)~~ "Tip box" means a locked container into which all dealer tips must be inserted.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,

61D-11.0025 Notification in Writing.

(1) Any written notice to the division required pursuant to Chapter 61D-11, F.A.C., shall be provided to the Office of Auditing, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399, by email ~~the most~~

~~expeditious means available which shall include but not be limited to an email address provided by the division, facsimile to (850)488-0550, mail or hand delivery.~~

(2) Any written notice from the division required pursuant to Chapter 61D-11, F.A.C., shall be provided by email, facsimile, mail or hand delivery, to the specific address retained in the division's record of licensure ~~the most expeditious means available which shall include but not be limited to email, facsimile, mail or hand delivery, unless otherwise specified.~~

Specific Authority 849.086(4) FS. Law Implemented 849.086 FS. History--New _____.

61D-11.004 Dealer Responsibilities.

(1) through (2) No change.

(a) Enter a card game, having come from another game table with more chips or tokens than the limit of \$100, unless the player is escorted by a cardroom supervisor to the new table, because play at the previous table is terminated due to circumstances beyond the player's control. Procedures for such circumstances must be provided in the cardroom operator's internal controls;

(b) No change.

(c) Replenish his or her chips or tokens in amounts other than multiples of \$5 ~~\$10~~; or

(d) through (9) No change.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04, _____.

61D-11.006 Inspection of Premises, Records.

(1) through (1)(b) No change.

1. The cardroom operator shall: The cardroom operator shall advise the division in writing pursuant to Rule 61D-11.0025, F.A.C., when the deficiencies have been corrected;

a. Correct all deficiencies prior to requesting a re-inspection; and

b. Request any re-inspection in writing pursuant to Rule 61D-11.0025, F.A.C.

2. The division shall conduct a re-inspection no later than five state business days from the date of the cardroom operator's follow up inspection no earlier than five days from the date of the inspection during which the deficiencies were determined and no later than five days from the date of the cardroom operator written notification of correction provided in writing pursuant to Rule 61D-11.0025, F.A.C.;

3. through (2)(f) No change.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04, _____.

61D-11.007 Cardroom Operator License.

(1) No change.

(2) An applicant for an annual cardroom license shall complete Form DBPR PMW-3160, Permitholder Application for Annual License to Operate a Cardroom, adopted and incorporated by Rule 61D-12.001, F.A.C., and Form DBPR PMW-3080, Permitholder Calendar, adopted and incorporated by Rule 61D-10.001, F.A.C., and submit a fee of \$1,000.00 for each table to be operated during the license period. For cardroom facilities at which more than one pari-mutuel permit is operated during a year, table fees for the facility may be paid by one or all of the permitholders. License fees are non-refundable. For the initial cardroom license application, in addition to the application and fees submitted, the applicant shall submit its written internal control system, required by Rule 61D-11.019, F.A.C., for approval by the division, and proof of authorization by a local government pursuant to Section 849.086(16), F.S. Any cardroom operator electing to offer a new authorized game shall inform the patrons on the list of authorized games offered by the operator, as required by Section 849.086(7)(e), F.S. Such list must be conspicuously displayed and a description of all card or domino games must be available for patron review. All games offered must comply with Section 849.086, F.S., and Chapter 61D-11, F.A.C., at all times.

(3) through (4) No change.

(a) Live racing or gaming is being or has been conducted at the cardroom operator's pari-mutuel wagering facility under a license issued pursuant to Section 550.01215, F.S., or Section 550.5251, F.S.; or

(b) No change.

Specific Authority 550.0251(12), 849.086(4), (5), (11) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04, 4-12-06, _____.

61D-11.009 Cardroom Employee Occupational License and Pari-Mutuel/Cardroom Combination License.

(1) Cardroom or pari-mutuel/cardroom combination licenses shall:

(a) Be required for:

1. Cardroom employees who take part in or officiate cardroom activity in any way;

2. All cardroom supervisors who are designated to supervise, take part in or officiate cardroom activity in any way;

3. Food service personnel who perform duties that require the licensee to perform any portion of duty within the cardroom area for any purpose;

4. Maintenance personnel who perform duties that require the licensee to come into contact with or work within the cardroom area at any time and have responsibilities that require physical contact with cardroom furnishings, lockboxes or similar secured items, surveillance equipment or associated

support equipment, surrounding structure for any incidental duty that enables in any way unrestricted access to the above-listed items;

5. Security personnel who perform duties that require the licensee's presence in the cardroom area for any purpose;

6. Mutuels teller personnel who perform duties that require the licensee to come into contact with any aspect of cardroom activity, financial activity, management or administration of cardroom information in any way; or

7. Permitholder management responsible for any aspect of management, supervision, administration or similar functions, or take part in or officiate cardroom activity in any way.

(b) Not be required for:

1. Incidental transit through the cardroom area during which time the individual in no way:

a. Comes in contact with cardroom furnishings, table tops, patrons or patron personal property, lockboxes or similar secured items, surveillance equipment or associated support equipment, surrounding structure for any incidental duty that enables in any way unrestricted access to the above-listed items; or

b. Takes part in or officiates cardroom activity in any way;

2. Incidental maintenance work performed under the direct and constant visual supervision of an individual possessing a current cardroom or pari-mutuel/cardroom combination license; and

3. Food service personnel who perform duties that do not at any time require the employee's presence within the cardroom area.

(2)(4) As part of the initial application or renewal for a cardroom employee occupational license provided in Section 849.086, F.S., an applicant shall submit the following:

(a) through (b) No change.

(c) The cardroom employee occupational license fee, unless qualified pursuant to Sections 205.171 and 1.01, F.S., of: The \$50.00 cardroom employee occupational license fee; and

1. \$50.00 for a cardroom employee occupational license;

2. \$40.00 for a pari-mutuel/cardroom supervisor combination license; or

3. \$10.00 for a pari-mutuel/cardroom employee combination license.

(d) No change.

(3)(2) Applicants who intend to work in a position providing food service, maintenance, security, or as a mutuels teller, or in permitholder management, shall apply for a pari-mutuel/cardroom combination occupational license by submitting items (2)(a) (4)(a) through (d) listed above.

(4)(3) Certified Florida Law Enforcement officers are exempt from the fingerprint requirement.

(5)(4) All occupational and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error or the applicant withdraws the application before processing begins.

(6)(5) Request for Waiver of any disqualifying factors in an application that would otherwise be grounds for disapproving the application shall be made on Form DBPR PMW-3180, Request for Waiver, adopted and incorporated by Rule 61D-12.001, F.A.C.

(7)(6) Prior to transferring, a current pari-mutuel wagering occupational licensee who intends to work in a position performing food service, maintenance, security, mutuels teller, and/or permitholder management duties in the cardroom shall make application for and obtain an upgrade for his or her current pari-mutuel license to a pari-mutuel/cardroom combination license on Form DBPR PMW-3170, License Upgrade Application, adopted and incorporated by Rule 61D-12.001, F.A.C.

(8)(7) Cardroom employee occupational licenses and pari-mutuel/cardroom combination licenses shall expire on June 30th of every year.

Specific Authority 550.0251(12), 849.086(4), (6) FS. Law Implemented 849.086(6) FS. History--New 1-7-97, Amended 5-9-04, 3-4-07, _____.

61D-11.012 Duties of Cardroom Operators.

(1) through (2) No change.

(3) Cardroom operators shall maintain a ~~current~~ log of persons whose employment with the cardroom operator has been terminated, or the employee resigned, or abandoned his or her position, that includes:

(a) through (4) No change.

(5) The cardroom operator must display its ~~the~~ hours of operation in a conspicuous location in the cardroom subject to the following terms and conditions:

(a) Days and hours of cardroom operation shall be those set forth in the application or renewal of the cardroom operator's license, or in the notice of change in the cardroom operator's hours of operation as required in paragraph (d) below operator. ~~Changes to days and hours of cardroom operation shall be submitted to the division at least seven days prior to proposed implementation;~~

(b) When multiple cardroom licenses are used at the same facility, the cardroom operator shall designate which hours of operation apply to its license. The hours of operation for each designated cardroom shall not exceed the number of hours authorized in paragraph (c) below. The licensee's hours of operation shall be designated as the cardroom's cumulative hours of operation.

(c)(b) Pursuant to Section 849.086(7)(b), F.S., a cardroom operator may operate a licensed facility any cumulative 12-hour period within the day for each cardroom license issued;

(c) Activities such as the buying or cashing out of chips or tokens, seating customers, or completing tournament buy-ins or cash-outs may be done one hour prior to or one hour after the cumulative 12-hour designated hours of operation; and

(d) A cardroom operator shall submit proposed changes to days and hours of cardroom operation to the division at least seven days prior to proposed implementation; The playing of authorized games shall not occur for more than 12 hours within a day, regardless of the number of pari-mutuel permitholders operating at a pari-mutuel facility.

(e) When multiple cardroom licenses are used at the same facility within the same designated cardroom gaming area specified in the cardroom operator's internal controls pursuant to sub-subparagraph 61D-11.019(4)(n)1.d., F.A.C., a period of transition between each licensee's cumulative hours of operation shall be identified in the cardroom operator's system of internal controls. Procedures shall address exchanging the drop boxes for each table and count room operation and security. Patrons may remain in the cardroom according to the procedures in the system of internal controls if:

1. The cardroom system of internal controls addresses security requirements during the drop; and

2. Only the activities listed in subparagraph (5)(f)1.-3. are conducted until the drop has been completed.

(f) The cardroom operator shall allow only the following activities to be conducted during a period of up to one hour prior to or a period of up to one hour after the cumulative hours of operation:

1. Buying or cashing out of chips or tokens;

2. Seating cardroom customers at cardroom tables; or

3. Completing tournament buy-ins or cash outs.

(g) The cardroom operator shall not permit the following activities to occur during a period of up to one hour prior to or a period of up to one hour after the cumulative hours of operation:

1. The handling of the decks of cards by the dealers or dominoes by the dominoes supervisors, even if a deck of cards or dominoes are present on the table; or

2. The commencement, implementation or conclusion of authorized game play.

(h) If more than one cardroom operator is licensed to operate a cardroom at the same pari-mutuel facility in the same designated cardroom gaming area specified in the cardroom operator's internal controls pursuant to sub-subparagraph 61D-11.019(4)(n)1.d., F.A.C., the cardroom operator must provide the following in its internal controls:

1. Procedures to assure that each cardroom operator's funds are managed and accounted for separately; and

2. Count procedures as required in paragraph 61D-11.0175(5)(o), F.A.C.

(6) No change.

(7) Cardroom operators are required to issue a photo identification to all cardroom employees. The photo identification shall include, at a minimum, the name of the cardroom facility, cardroom employee occupational license number, the employee's name, and expiration date of the license.

(8) through (14) No change.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04, 4-12-06,_____.

61D-11.013 Display of Identification and Possession of Occupational Licenses.

(1) No change.

(2) Cardroom occupational licensees may have the option to only wear a facility issued photo identification card if: Cardroom employees shall have their occupational license in their possession and wear it at all times while on duty.

(a) The employee has the cardroom employee occupational license on their person at all times; and

(b) The name which is on the photo identification card shall match the name on the cardroom employee occupational license.

Specific Authority 550.0251(12), 849.086(4), (6) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended _____.

61D-11.014 Cards.

(1) through (4) No change.

(5) Each dealer assigned to a card table shall inspect each deck of playing cards intended for use at that table ~~immediately prior to the start of the first round of play.~~ Inspection of the deck of playing cards shall commence no earlier than the start of the designated cumulative hours of operation for that cardroom license. The assigned dealer must ensure that cards are not taped, cut, shaved, marked, defaced, bent, crimped, or deformed in any fashion that may permit covert identification of the card by players.

(a) through (b) No change.

1. The entire deck of cards containing the damaged card or cards shall be removed from play before card play may resume at the card table and the damaged card ~~or cards~~ deck shall be placed in a sealed envelope or container;

2. The sealed envelope or container shall be marked with the table number, the date, and time the deck was withdrawn from play;

3. The cardroom supervisor shall sign his/her name across the seal of the envelope or container indicating the supervisor has sealed and inspected the seal prior to storage of the damaged card or cards;

4. All damaged cards shall be retained for at least 30 days from the date of withdrawal from play; and-

5. The remaining cards in the deck may be reused for play, after the missing card or cards are replaced and the entire deck is inspected by the dealer as required in paragraph (d) of this rule.

(c) No change.

(d) Dealers shall:

1. ~~Inspect and count~~ all cards in the deck of cards provided for play at his/her card table prior to beginning card play before each game of cards begins;

2. through (6) No change.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended _____.

61D-11.0145 Dominoes.

(1) through (2) No change.

~~(3) Dominoes shall have a symbol or marking that identifies the domino to the specific facility where it is used for play.~~

~~(3)(4)~~ Sets of dominoes must be locked in a secure location when not in use.

~~(4)(5)~~ Prior to use, each domino must be inspected by the dominoes supervisor to ensure that no domino is marked, defaced, chipped, substituted from another set, or deformed.

(a) through (d) No change.

~~(5)(6)~~ Internal controls shall be established for the issuance of all dominoes to the shift supervisor and the dominoes supervisors.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History–New _____.

61D-11.016 Card and Domino Tables.

(1) No change.

(2) Domino tables shall be square with clearly designated areas located at each of the two or four corners of the table for the placement of wagers and the payment of participation fees. The surface of the dominoes table shall be one solid color that will not interfere with the ability of the surveillance system to clearly identify each domino played or the value of chips or tokens in the wagering area. There shall be no imprest tray on a domino table.

(3) through (6) No change.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended _____.

61D-11.0175 Count Rooms and Count Procedures.

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

(d) A procedure ensuring that no person carry any personal items into the count room, other than those items needed for medical necessity; and

(e) through (5)(n) No change.

(o) In the event more than one cardroom license is operated at the facility, a procedure ensuring:

1. Physical security for procedures at the end of each cardroom licensee’s cumulative hours of operation for:

a. The drop;

b. The count of the drop.

2. Funds from each licensee’s operation are maintained and accounted for separately; and

3. That prior to beginning the operations for each subsequent license for that day:

a. Card play ceases at each table during a drop;

b. The time required pursuant to the cardroom operator’s system of internal controls is maintained for the close out of the licensee’s cumulative hours of operation;

c. That procedures required pursuant to the cardroom licensee’s internal controls are in place for drop box retrievals and exchanges; and

d. The drop and count of funds related to each license occur in compliance with all of the requirements of Chapter 61D-11, F.A.C.

(6) through (6)(e) No change.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History–New _____.

61D-11.018 Reporting Requirements to Determine Net Proceeds or Gross Revenues.

(1) through (1)(b) No change.

(2) For each license operated, cardroom operators shall file a separate Form DBPR PMW-3640, Cardroom Monthly Remittance Report, adopted and incorporated by Rule 61D-12.001, F.A.C., with the division by the fifth day of each month for the preceding month’s cardroom activity.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended 4-12-06, _____.

61D-11.019 Internal Control System.

(1) through (4) No change.

(a) A requirement that a supervisor or the transporter verify all transfers between imprest trays and the cardroom bank with their signature on the transfer document or a procedure in which tokens that display monetary amounts, commonly referred to as a lammers, are used by cardroom floor staff to authorize and document transfers between imprest trays and cardroom banks;

(b) through (c) No change.

(d) The designation of a cashier cage methodology for or as a method of controlling the control and accounting for ~~of~~ funds within the cashier cage that are part of the cardroom bank as an alternative to an imprest bank if designated in the internal controls;

(e) through (j) No change.

(k) The methodology for administration of jackpot payouts shall include:

1. Documentation of whether the payment was made in chips, tokens, currency, or by check, or any combination thereof; and Payouts for jackpots may be made in chips, tokens, or currency if the amount of the distribution is equal to or less than \$4,999.99; and

2. That the patron shall have the option to select the type of payment. A combination of check, chips, tokens, or currency shall be used for all jackpot payments greater than \$4,999.99.

(l) through (s)3. No change.

(t) The methodology for maintenance of any jackpot rake funds withheld for cash payment of jackpot winnings for the following cardroom gaming day; and

(u) The methodology for administration of Texas Hold'em without a betting limit when a player moves to an active table because play at a previous table is terminated due to circumstances beyond the player's control, pursuant to paragraph 61D-11.004(2)(a), F.A.C.

(5) through (5)(c) No change.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended _____.

61D-11.025 Cardroom Electronic Surveillance.

(1) through (3) No change.

(4) The surveillance system and equipment shall employ digital electronic technology with the acuity and clarity that is no less than that provided by magnetic tape systems. The digital surveillance equipment installed at cardroom facilities shall provide the capability equal to or better than that required by this rule no later than January 1, 2009. The digital surveillance equipment shall:

(a) through (5)(b)2. No change.

3. The surveillance room pursuant to subsection (17)(46) of this rule.

(c) through (10) No change.

(11)(g) Reasonable effort must be made to repair each malfunction of surveillance system equipment required by this rule within seventy-two (72) hours after the malfunction is discovered. Within twenty-four (24) hours of discovery, the licensee shall notify the division via facsimile transmission of the equipment malfunction. If a malfunction is not repaired within seven (7) days after it is discovered, causing the licensee to be in non-compliance with this rule, the licensee must immediately notify the division via facsimile transmission of the failure to repair.

(12)(44) All tapes and other electronic surveillance recordings shall be:

(a) through (c) No change.

(13)(42) The surveillance system must possess the capability to monitor, identify, and record the activities of the patrons and dealers at each table in a manner that provides 100 percent camera coverage of the cardroom at all times.

(14)(13) Each operator shall maintain a log of all surveillance activities in the surveillance room that shall include:

(a) through (g) No change.

(15)(14) When surveillance equipment malfunctions and fails to operate as required by this rule:

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

(16)(15) The surveillance system shall provide back-up for video or audio recording during the repair and replacement time.

(17)(16) The activity within the surveillance room shall be continuously recorded.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History–New 10-21-97, Amended _____.

61D-11.0279 Jackpots, Prizes, and Giveaways.

(1) through (1)(a) No change.

(b) Post the jackpot rake for each authorized game in the cardroom at each table;

(c) Ensure that:

1. For jackpot proceeds, an additional drop box is installed on the left hand side of tables or another area of the table as specified in the cardroom's system of internal controls for jackpot proceeds;

2. through 6. No change.

7. All revenue from the jackpot drop is accumulated separately from other revenue and shall be:

a. Deposited daily into a separate non-interest bearing bank account; or

b. Held as cash on hand:

(I) In a holding location or cash box;

(II) To be available for payment of winning jackpots for the following day, as specified in the approved system of internal controls;

(III) To be transferred from the jackpot count to the temporary holding location or cash box under surveillance camera until the next day; and

(IV) To be retrieved the next day and to be used to pay jackpots in cash;

8. through 10. No change.

11. The internal controls will state whether a maximum jackpot threshold limit is established. The internal controls shall state if a threshold is selected, when the designated threshold is achieved, the series of cards comprising the hand winning the jackpot shall be changed to a series of cards that has a higher probability of occurring.

(2) through (3)(c) No change.

1. The name, address, and telephone number of each winner. Address and telephone numbers shall not be required for winners of jackpots less than the Internal Revenue Service threshold;

2. The check number if paid by check;

3. A copy of the winner’s identification for winnings which meet the Internal Revenue Service threshold required minimum of \$1,000 per wagering pool pursuant to 26 CFR 31.3402(q)-1, Aug. 18, 2000, adopted and incorporated by reference; and

4. A copy of any forms required to be filed by the Internal Revenue Service pursuant to 26 CFR 31.3402(q)-1, Aug. 18, 2000, adopted and incorporated by reference.

(5) through (8) No change.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History–New_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-21.005 Payment of Claims
NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, FS, published in Vol. 34, No. 7, of the February 15, 2008, issue of the Florida Administrative Weekly. Paragraph 2 is language that was previously approved by the Board. The change in paragraph 3 is in response to comments submitted by the Joint Administrative Procedures Committee in letters dated March 11, 2008 and May 12, 2008. The changes are as follows:

61G4-21.005 (3) of the rule shall read as:

(2) Procedures for disbursements of funds shall not commence until ~~35~~ 45 days after the filing of the Final Order of the Board approving payment of any claim from the recovery fund.

(3) No claimant eligible for, or currently receiving, restitution under a civil or criminal restitution order or other repayment plan shall be eligible to recover from the Fund until two or more payments have been missed. Prior to receiving any payments, such a claimant shall provide the Board with a written statement with a notarized signature of the claimant ~~affirmation~~ stating any amount received to date under such an order or plan, the date and amount of the last payment, and how much is still due and owing under such an order or plan.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-19.008 Mediation

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 22, May 30, 2008 issue of the Florida Administrative Weekly.

The correction is as follows:

The Rule Development publication date listed in the Notice of Proposed Rulemaking should read:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:
64B32-4.002 Reactivation of Retired Status
License Education Courses

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 34, No. 18, of the May 2, 2008, issue of the Florida Administrative Weekly. The correction is to correct a typographical error. The correction is as follows:

The Rule Development publication date on the rule notice should read as December 14, 2007. The year 2008 was entered incorrectly.

64B32-4.002(1)(b) makes reference to citation Section 468.359, Florida Statutes. The correct citation should be Section 468.355, Florida Statutes

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.: RULE TITLES:
65C-15.001 Definitions
65C-15.002 Licensed Child-Placing Agencies
65C-15.003 Application and Licensing Study
65C-15.0035 License Renewal
65C-15.004 On-Site Visits and Complaint
Investigation
65C-15.005 Disclosure

- 65C-15.006 Statement of Purpose
- 65C-15.010 Finances
- 65C-15.011 Changes in Agency Function or Purpose
- 65C-15.012 Notification of Critical Injury, Illness or Death
- 65C-15.013 Right to Privacy
- 65C-15.014 Office Equipment and Transportation
- 65C-15.015 Policies and Practices
- 65C-15.016 Staff Functions and Qualifications
- 65C-15.017 Personnel
- 65C-15.018 Staff Development
- 65C-15.019 Volunteers
- 65C-15.020 Intake Procedures and Practices for Children in Foster Care and Residential Care
- 65C-15.021 Placement Services to Families and Children in Foster Care and Residential Care
- 65C-15.022 Agency Services to Children in Foster Care
- 65C-15.023 Foster Home Licensing
- 65C-15.024 Foster Home Studies
- 65C-15.025 Monitoring and Annual Licensing Study
- 65C-15.026 Recommendations to Revoke a Family Foster Home License
- 65C-15.027 The Agency’s Responsibilities to Foster Parents
- 65C-15.028 Adoptive Home Study
- 65C-15.029 Services to Adoptive Parents
- 65C-15.030 Case Records
- 65C-15.031 Child’s Case Records
- 65C-15.032 Family Case Record
- 65C-15.033 Family Foster Home Records
- 65C-15.034 Adoptive Home Records
- 65C-15.035 Agency Closure
- 65C-15.036 Intercountry Adoption Services
- 65C-15.037 Interstate Adoptions
- 65C-15.038 Specific Rules for Lead Agencies and Contracted Providers

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 48, December 1, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20ER08-2	Processed Form
20ER08-3	Fruit Handled by Express and Gift Package Shippers
20ER08-4	Requirements to Guarantee Payment of Excise Tax
20ER08-5	Late Filing of Returns and Inadequacy of Bond
20ER08-6	Fresh Form

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), F.S., states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

In June 2008, Governor Crist signed into law a statutory amendment to Section 601.15, F.S. authorizing the Florida Citrus Commission to set the tax rates no later than November after the release of more accurate crop estimates.

The amendment changed the deadline for the Commission setting the tax rate from August 1 to November 1 requiring the Department to amend certain parts of Chapter 20-9, F.A.C. related to the logistics of taxpayers’ filings of their excise tax returns.

Following the standard rulemaking time periods outlined in Section 120.54, F.S., would have created an impermissible gap whereby no amended rule complying with the amended statute would have been in place.

This “gap” would have created uncertainty in the industry, and could have undermined the ability of the Department to collect legislatively authorized excise taxes, potentially crippling the Department and its research and promotion programs.

Therefore emergency rulemaking is justified, especially in light of the concurrent initialization of rulemaking with an identical rule.

After taking testimony and discussing the matter at a regular public meeting and hearing in Lakeland, Florida on June 18, 2008, the Florida Citrus Commission found that there exists unusual circumstances and voted to adopt Emergency Rules 20ER08-2, 20ER08-3, 20ER08-4, 20ER08-5, and 20ER08-6