

Section I
**Notice of Development of Proposed Rules
and Negotiated Rulemaking**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-505.200	Definitions
62-505.300	General Program Information
62-505.350	Grant Funding
62-505.600	Priority List Information
62-505.700	Planning, Design, Construction, and Procurement Requirements
62-505.750	Environmental Review
62-505.800	Audit Required

PURPOSE AND EFFECT: To incorporate changes to the rule as required by the amended authorizing Florida Statute. Also, the rule will be modified to simplify the rule and to use a plain language format.

SUBJECT AREA TO BE ADDRESSED: Section 403.1838, Florida Statutes, increases the eligibility criteria for population from 7,500 to 10,000. The rule will be revised to make this change. In addition, the current rule is complicated and cumbersome to implement. The proposed revisions will simplify the rule and will limit available grant funds to the cumulative grant allocation assessments collected minus the obligated funds.

RULEMAKING AUTHORITY: 403.1835, 403.1838 FS.

LAW IMPLEMENTED: 403.1835, 403.1838 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 26, 2014, 10:00 a.m. – 4:00 p.m.

PLACE: The Florida Rural Water Association, 2970 Wellington Circle, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas Montgomery, (850)245-8368 or email: thomas.montgomery@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas Montgomery, (850)245-8368 or email: thomas.montgomery@dep.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-2.002	Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.
5F-2.003	Registration and Identification
5F-2.005	Inaccurate Measuring Devices
5F-2.006	Inspection Identification Stickers
5F-2.014	Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 Meter Sealing Requirements.
5F-2.016	Guidelines for Imposing Administrative Penalties

PURPOSE AND EFFECT: Update rule sections to adopt Federal requirements for labeling; reflect current versions of referenced department forms; change adopted reference of the National Institute of Standards and Technology (NIST) Handbook 44 from a direct reference to another rule reference to ensure consistency with regard to adopted versions; amend biodiesel labeling requirements to better reflect current changes in the market with respect to diesel fuels blended with biodiesel; amend penalty section to more appropriately apply penalties to violations of this rule and update references in the penalty section; update sections of rule to account for the recent Division and Bureau level mergers; adopt diesel fuel nozzle size requirements for retail dispensers; adopt EPA labeling requirements for E15 fuel dispensers; adopt labeling requirements for mid-level ethanol blends; amend diesel fuel dispenser labeling requirements to reference applicable CFR requirements, which will update the labeling requirements to current codes; amend rule to reflect recent statutory changes to transfer collection of the petroleum inspection fee to the Florida Department of Revenue; and adopt labeling specifications for gasoline blended with butanol.

SUMMARY: The proposed rule includes updating Federal requirements for product labeling; updating rule sections to reflect current versions of referenced department forms; changing the adopted reference of the National Institute of Standards and Technology (NIST) Handbook 44 from a direct reference to another rule reference to ensure consistency with

regard to adopted versions; amending labeling requirements to better reflect current changes in the market with respect to diesel fuels blended with biodiesel; amending the penalty section to more appropriately apply penalties to violations of this rule and update references in the penalty section; updating sections of rule to account for the recent Division and Bureau level mergers; adopting diesel fuel nozzle size requirements; adopting federal labeling requirements for E15 fuels; adopting labeling requirements for mid-level ethanol blends; amending diesel fuel dispenser labeling requirements to reference applicable CFR requirements, which will update the labeling requirements to current codes; amending rule to reflect recent statutory changes to transfer collection of the petroleum inspection fee to the Florida Department of Revenue; and adopting labeling specifications for gasoline blended with butanol.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. Additionally, no interested party submitted additional information regarding the economic impact. 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.

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

RULEMAKING AUTHORITY: 525.14, 531.40, 531.41(3), 570.07(23) FS.

LAW IMPLEMENTED: 525.01, 525.035, 525.07, 525.09, 525.14, 525.16, 531.40 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by

contacting: Matthew D. Curran, Ph.D., Chief, Bureau of Standards, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399, (850)921-1570. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew D. Curran, Ph.D., Chief, Bureau of Standards, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399, (850)921-1570

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.

(1) through (5) No change.

(6) In accordance with Section 525.035, F.S., any petroleum fuel that fails to meet applicable labeling requirements, as adopted in this rule, shall be placed under Stop Sale Order by the ~~department~~ Department using FDACS-03206 ~~DACS Form 03206~~, Stop Sale Order, Rev. 12/12 4/09, and the measuring devices and storage tanks of said product shall be sealed by the ~~department~~ Department with FDACS-03537 ~~DACS Form 03537~~, Warning Tag, Rev. 08/12 4/09, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the ~~department~~ Department from the Stop Sale Order in accordance with Section 525.035, F.S., using FDACS-03209, Release, Rev. 01/09. The documents referenced in this subsection are incorporated by reference in Rule 5F-2.001, F.A.C., ~~DACS Form 03209, Release, Rev. 1/09~~. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

(7) In accordance with Section 525.037, F.S., any petroleum fuel that fails to meet applicable standards, as adopted in this rule, shall be placed under Stop Sale Order by the ~~department~~ Department using FDACS-03206 ~~DACS Form 03206~~, Stop Sale Order, Rev. 12/12 4/09, and the measuring devices and storage tanks of said petroleum fuel shall be sealed by the ~~department~~ Department with FDACS-03537 ~~DACS Form 03537~~, Warning Tag, Rev. 08/12 4/09, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the ~~department~~ Department from the Stop Sale Order in accordance with Section 525.037, F.S., using FDACS-03209, Release, Rev. 01/09. The documents referenced in this subsection are incorporated by reference in Rule 5F-2.001, F.A.C., ~~DACS Form 03209, Release, Rev. 1/09~~. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.035, 525.037, 525.16 FS. History—Amended 7-1-71, 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, 6-1-06, 5-6-08, 1-3-10,_____.

5F-2.003 Registration and Identification.

~~(1) All terminal suppliers, importers, and wholesalers registered with the Florida Department of Revenue and manufacturers shall submit DACS Form 03202, Gasoline and Oil Inspection Affidavit and Inspection Fee Report, Rev. 8/09, to the Department before selling or offering for sale any petroleum fuel in this state. The applicant shall also list all manufacturers, terminal suppliers, wholesalers, and/or importers of the petroleum fuel to be sold and establish responsibility for payment of the inspection fee pursuant to Section 525.09, F.S. The applicant must also identify themselves as a manufacturer, terminal supplier, wholesaler, or importer as defined below. The inspection fee shall be paid using DACS Form 03222, Report of Gasoline, Kerosene, and Fuel Oil #1 Sales in the State of Florida, Rev. 10/09. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.~~

~~(a) A “manufacturer” is any company or business entity producing petroleum fuel.~~

~~(b) A “terminal supplier” for purposes of this rule chapter means any position holder that has been licensed by the Department of Revenue as a terminal supplier, that has met the requirements of Sections 206.05 and 206.90, F.S., and that is registered under the Internal Revenue Code (26 USC 4101) for transactions involving the bulk storage and transfer of taxable motor or diesel fuels.~~

~~(c) A “wholesaler” for purposes of this rule chapter means any person who holds a valid wholesaler of taxable fuel license issued by the Florida Department of Revenue as a wholesaler as defined in Section 206.01(4), F.S.~~

~~(d) An “importer” for purposes of this rule chapter means any person that has met the requirements of Section 206.051, F.S., and is licensed by the Department of Revenue to import motor fuel or diesel fuel upon which no pre collection of tax has occurred, other than through bulk transfer, into this state by common carrier or company owned trucks.~~

~~(1)(2) Every retail gasoline dispenser shall have the octane rating of the gasoline being sold therefrom conspicuously and firmly posted in a manner conforming with 16 CFR Part 306.12 (1-1-12 Edition) (2008), which is hereby adopted by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or at~~

~~<http://www.flrules.org/Gateway/reference> at <http://www.gpoaccess.gov/index.html>.~~

~~(2)(3) Every retail gasoline dispenser shall have the grade designation of the gasoline being sold therefrom conspicuously and firmly attached thereto. The octane rating of gasoline sold using the following grade designations must meet the minimum octane rating indicated:~~

Grade Designation	Minimum Octane Rating
Premium, Super, Supreme, High Test	91
Midgrade, Plus	89
Regular, Unleaded	87

~~(3)(4) All racing gasoline or gasoline designed for special use that is kept, offered, or exposed for sale, or sold at retail that does not meet standards established in subsection 5F-2.001(1), F.A.C.:~~

~~(a) through (b) No change.~~

~~(4)(5) Every retail kerosene dispenser or container-package of kerosene offered for sale at retail shall be conspicuously labeled “kerosene” immediately followed by the designation: 1-K or 2-K, whichever is applicable.~~

~~(5)(6) Every Beginning June 1, 2006, every retail diesel fuel dispenser shall have the proper grade designation to indicate the sulfur content of the diesel fuel being sold therefrom conspicuously and firmly attached thereto and in accordance with 40 CFR Parts 80.570-80.574 (7-1-12 Edition), which is hereby adopted by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or at <http://www.flrules.org/Gateway/reference>. Lettering must be in block letters of no less than 24-point bold type and printed in a color contrasting the background. The label shall be placed on the vertical surface of each dispenser housing on each side that has measure and price meters. The label shall be on the upper two-thirds of the dispenser and clearly visible to anyone dispensing fuel from the dispenser. The label shall include all of the following text relating to the grade of diesel fuel sold through the dispenser:~~

~~(a) For all ultra low sulfur highway diesel fuel:~~

~~ULTRA LOW SULFUR HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)~~

~~Required for use in all model year 2007 and later highway diesel vehicles and engines.~~

~~Recommended for use in all diesel vehicles and engines.~~

~~(b) For all low sulfur highway diesel fuel:~~

~~LOW SULFUR HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)~~

~~WARNING—Federal law prohibits use in model year 2007 and later highway vehicles and engines. Its use may damage these vehicles and engines.~~

~~(c) For ultra low sulfur non highway diesel fuel:~~

~~ULTRA LOW SULFUR NON HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)~~

~~Required for use in all model year 2011 and newer non-road diesel engines.~~

~~Recommended for use in all other non road, locomotive, and marine diesel engines.~~

~~WARNING — Federal law prohibits use in highway vehicles or engines.~~

~~(d) For low sulfur non highway diesel fuel:~~

~~LOW SULFUR NON HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)~~

~~WARNING — Federal law prohibits use in highway vehicles or engines.~~

~~(e) For high sulfur non highway diesel fuel:~~

~~HIGH SULFUR NON HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)~~

~~WARNING — Federal law prohibits use in highway vehicles or engines.~~

~~May damage non road diesel engines required to use low-sulfur or ultra low sulfur diesel fuel.~~

~~(f) For all fuel (heating) oil:~~

~~WARNING — Federal law prohibits use in highway vehicles or engines.~~

~~Its use may damage these diesel engines.~~

~~(6)(7)(a)~~ All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 10% by volume of ethanol, methanol, or a combination shall be identified as “contains 10% or less ethanol” or “contains 1-10% ethanol,” “contains 10% or less methanol” or “contains 1-10% methanol,” or “contains 10% or less ethanol/methanol” or “contains 1-10% ethanol/methanol”, or other definitive equivalent statement declaring the presence of methanol, ethanol, or combination on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Gasoline kept, offered, or exposed for sale, or sold, at retail, containing specifically ten percent by volume of ethanol may be identified as “E10” and “contains ethanol” or other definitive equivalent statement declaring the presence of ethanol on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

~~(b) No change.~~

~~(7)(8)~~ All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 10% ethanol, methanol or other alcohol shall be identified by a name indicating the amount and type(s) of ethanol, methanol or other alcohol in the fuel and shall be labeled as such on the vertical surface of each dispenser housing in a manner conforming with the layout, type

size and setting, color, and label protection requirements of 16 CFR Part 306.12 (1-1-12 Edition) (2008). Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or at <http://www.gpoaccess.gov/index.html>. See Rule 5F-2.003, F.A.C., to obtain copies of this document.

(a) Ethanol mixed with gasoline and containing an ethanol content of ~~51%-83%~~ ~~nominally 75%-85%~~ shall be identified as “~~E85 Fuel Ethanol Fuel~~”, or other similar definitive equivalent statement and “For Flex Fuel Vehicles Only.”

(b) No change.

(c) Ethanol mixed with gasoline and containing an ethanol content greater than that which is permitted in subsection 5F-2.001(1), F.A.C., and less than that which is permitted in subparagraph 5F-2.001(5)(c)1., F.A.C., shall be identified as “Mid-Level Ethanol Fuel Blend (EXX)” and “For Flex Fuel Vehicles Only”, where XX represents the volume percent ethanol in the blend.

~~(8)(9)~~ All biodiesel blends containing diesel fuel kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as “Biodiesel Blend (BXX),” where XX represents the volume percent biodiesel in the biodiesel blend or “Biodiesel Blend Between 6% and 20%.” All biodiesel or B99 kept, offered, or exposed for sale, or sold, at retail shall be identified as “Biodiesel (BXX),” where XX represents the volume percent biodiesel and shall be labeled with the proper sulfur grade designation “S15 (15 ppm Sulfur Maximum)” or “S500 (500 ppm Sulfur Maximum).” Each dispenser shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

~~(a) Every dispenser that dispenses biodiesel or B99, or a biodiesel blend containing diesel fuel with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:~~
THIS PRODUCT CONTAINS BIODIESEL. CONSULT WITH YOUR ENGINE MANUFACTURER OR OWNER’S MANUAL BEFORE USING THIS PRODUCT.

(b) Every dispenser that dispenses a biodiesel blend containing diesel fuel shall also possess the proper diesel fuel sulfur grade designation conspicuously and firmly attached thereto, as specified in subsection ~~(5)(6)~~ of this section, to indicate the grade of the biodiesel blend being sold therefrom. The diesel fuel sulfur grade designation shall apply to the blended fuel.

~~(9)(10)~~ All biodiesel blends containing fuel oil kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as “Fuel Oil Containing Biodiesel (XX),” where XX represents the volume percent biodiesel in the biodiesel blend, and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Every dispenser that dispenses a biodiesel blend containing fuel oil with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT WITH YOUR EQUIPMENT OR ENGINE MANUFACTURER OR OWNER’S MANUAL BEFORE USING THIS PRODUCT.

(10) All gasoline containing greater than ten percent ethanol by volume and up to and including fifteen percent ethanol by volume shall be labeled in accordance with 40 CFR 80.1501 (7-1-13 Edition), which is hereby adopted by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or at <http://www.flrules.org/Gateway/reference>.

(11) No change.

(12)(a) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 12.5% by volume of butanol shall be identified as “contains 12.5% or less butanol” or “contains 1-12.5% butanol,” or other definitive equivalent statement declaring the presence of butanol on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(b) Labels placed on any multi-product dispensers must be placed in a position and contain wording so as to clearly and conspicuously identify the presence of butanol in all such products that contain butanol. Such labels and placement must not be in such a manner that may suggest products not blended with butanol contain butanol. This may be accomplished by use of the words “all gasoline” on the label; specifically identify each product that contains butanol through language or by arrangement of labels on the dispenser; or through other such clear and conspicuous means.

~~(13)(12)~~ In accordance with Section 525.035, F.S., any petroleum fuel that fails to meet applicable labeling

requirements, as adopted in this rule, shall be placed under Stop Sale Order by the ~~department~~ Department using ~~FDACS-03206~~ ~~DACS Form 03206~~, Stop Sale Order, Rev. ~~12/12~~ 4/09, and the measuring devices and storage tanks of said product shall be sealed by the ~~department~~ Department with ~~FDACS-03537~~ ~~DACS Form 03537~~, Warning Tag, Rev. ~~08/12~~ 4/09, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the ~~department~~ Department from the Stop Sale Order in accordance with Section 525.035, F.S., using ~~FDACS-03209~~, Release, Rev. ~~01/09~~ ~~DACS Form 03209~~, Release, Rev. 4/09. The documents referenced in this subsection are hereby adopted and incorporated by reference in Rule 5F-2.001, F.A.C. and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

~~(14)(13)~~ In accordance with Section 525.037, F.S., any petroleum fuel that fails to meet applicable standards, as adopted in this rule, shall be placed under Stop Sale Order by the ~~department~~ Department using ~~FDACS-03206~~ ~~DACS Form 03206~~, Stop Sale Order, Rev. ~~12/12~~ 4/09, and the measuring devices and storage tanks of said petroleum fuel shall be sealed by the ~~department~~ Department with ~~FDACS-03537~~ ~~DACS Form 03537~~, Warning Tag, Rev. ~~08/12~~ 4/09, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the ~~department~~ Department from the Stop Sale Order in accordance with Section 525.037, F.S.,-using ~~FDACS-03209~~, Release, Rev. ~~01/09~~ ~~DACS Form 03209~~, Release, Rev. 1/09. The documents referenced in this subsection are hereby adopted and incorporated by reference in Rule 5F-2.001, F.A.C. and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.
 Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.01, 525.09, 525.035, 525.037, 525.14 FS. History—Amended 12-31-74, 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94, 6-1-06, 5-6-08, 1-3-10,_____.

5F-2.005 Inaccurate Measuring Devices.

(1) through (2) No change.

(3) If any petroleum fuel measuring device is found to be overregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the device shall be placed out-of-service by the ~~department~~ Department with ~~FDACS-03538~~ ~~DACS Form 03538~~, Out of Service, Rev. ~~08/12~~ 4/09, hereby incorporated by reference, and prohibited from further use. Copies of this form may be accessed at <http://www.flrules.org/Gateway/reference>. Such measuring devices placed out-of-service for inaccuracy shall be rendered inoperative either by removal or by the locking of working parts with lead and wire seal and shall not be put back in service without reinspection or the written consent of the department.

(4) If three or more petroleum fuel measuring devices at any petroleum retail facility are each found to be overregistering fuel in excess of 25 cubic inches, the devices shall be placed out-of-service by the ~~department~~ ~~Department~~ with ~~FDACS-03538~~ ~~DACS Form 03538~~, Out of Service, Rev. ~~08/12 4/09~~, ~~adopted and incorporated by reference in subsection (3) above~~, and prohibited from further use. The nozzles of such petroleum measuring devices placed out-of-service for inaccuracy shall be covered with a red plastic bag and the measuring devices shall be rendered inoperative either by the removal or by the locking of working parts with lead and wire seal. The measuring devices shall not be put back in service without reinspection or the written consent of the department.

(5) All persons or service agencies that repair or install petroleum fuel measuring devices must register with the department on ~~FDACS-03320~~ ~~DACS Form 03320~~, Application for Registration of Service Agencies, Rev. ~~12/12 3/09~~, ~~hereby incorporated by reference~~, and ~~FDACS-03556~~ ~~DACS Form 03556~~, Application for Registration – Authorized Meter Mechanic, Rev. ~~12/12 4/09~~, ~~hereby incorporated by reference~~. ~~Copies of FDACS-03320 may be accessed at <http://www.flrules.org/Gateway/reference>~~. ~~Copies of FDACS-03556 may be accessed at <http://www.flrules.org/Gateway/reference>~~. Any such registered person or service agency must immediately notify the department at ~~(850)921-1545~~ ~~(850)487-2634~~ or by fax at ~~(850)921-1548~~ ~~(850)488-7239~~, after any repairs and/or adjustments to any petroleum measuring devices have been made. In order to make application for registration as an authorized meter mechanic you must:

(a) Maintain a test measure of appropriate size according to the National ~~Institute~~ ~~Institute~~ of Standards and Technology (NIST) Handbook 44, as adopted ~~and incorporated by reference in Rule 5F-5.001, F.A.C. in subsection 5F-2.014(1), F.A.C.~~, that has been calibrated with standards traceable to NIST, pursuant to Section 525.07(9), F.S.

(b) through (c) No change.

(d) Annually apply in person at the Florida Department of Agriculture and Consumer Services, Division of ~~Consumer Services~~, Bureau of Standards, 3125 Conner Blvd., Tallahassee, FL 32399, or at an annual clinic hosted by the ~~department~~ ~~Department~~, to participate in review of current rules and regulations. Annual clinic schedules for retail, high-volume, and liquefied petroleum gas meters may be obtained by contacting the ~~department~~ ~~Department~~ at (850)487-2634.

~~(6) The department forms referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.~~

~~(7)~~ In accordance with Section 525.07, F.S., any measuring device that fails to meet applicable requirements, as

adopted in this rule, shall be placed out of service by the ~~department~~ ~~Department~~ using ~~FDACS-03538~~ ~~DACS Form 03538~~, Out of Service, Rev. ~~08/12 4/09~~, ~~adopted and incorporated by reference in subsection (3) above~~, prohibiting the use of the measuring device. Upon conformance with the applicable requirement, the Out of Service tag shall be removed from the measuring device. ~~The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.~~

Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.07 FS. History—Amended 7-1-74, Repromulgated 12-31-74, 5-3-83, Formerly 5F-2.05, Amended 11-29-94, 5-6-08, 1-3-10,_____.

5F-2.006 Inspection Identification Stickers.

(1) No change.

(2) Any measuring device that fails to meet applicable requirements, as adopted in this rule, shall be placed out of service by the ~~department~~ ~~Department~~ using ~~FDACS-03539~~ ~~DACS Form 03539~~, Out of Service, Rev. ~~08/12 3/09~~, ~~hereby incorporated by reference~~, prohibiting the use of the measuring device. ~~Copies of this form may be accessed at <http://www.flrules.org/Gateway/reference>~~. Upon conformance with the applicable requirement, the Out of Service tag shall be removed from the measuring device. ~~The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.~~

Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.07 FS. History—Repromulgated 12-31-74, Formerly 5F-2.06, Amended 1-3-10,_____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 Meter Sealing Requirements, ~~and other related requirements~~.

(1) The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, ~~are adopted and incorporated by reference in Rule 5F-5.001, F.A.C. 2009 Edition, published by U.S. Department of Commerce are hereby adopted and incorporated by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained at <http://ts.nist.gov/WeightsAndMeasures/pubs.cfm#Handbooks>.~~

(2) No change.

(3) Any registered person or agency that has installed a petroleum fuel measuring device must report the existence of the petroleum device to the department at (850)921-1545 (850)487-2634 or by fax at (850)921-1548 (850)488-7239, within twenty-four (24) hours after installation using FDACS-03219 DACS Form 03219, Placed in Service Report, Rev. 12/12 4/09, hereby incorporated by reference. Copies of this form may be accessed at http://www.flrules.org/Gateway/reference.

(4) Effective July 1, 2013, each dispensing device from which diesel fuel is sold at retail shall be equipped with a nozzle spout that conforms to SAE International J285, MAY2012, “Dispenser Nozzle Spouts for Liquid Fuels Intended for Use with Spark Ignition and Compression Ignition Engines,” and is hereby adopted by reference. Copies of this publication may be obtained at http://standards.sae.org. This code is also available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Standards, 3125 Conner Boulevard, Tallahassee, FL 32399-1650. Posting of this material on the internet for purposes of public examination would violate federal copyright law.

(5)(4) Any measuring device that fails to meet applicable requirements, as adopted in subsection (1) or (2) of this section, shall be placed out of service by the department ~~Department~~ using FDACS-03539 DACS Form 03539, Out of Service, Rev. 08/12 3/09, adopted and incorporated by reference in Rule 5F-2.006, F.A.C., prohibiting the use of the measuring device. Upon conformance with the applicable requirement, the Out of Service tag shall be removed from the measuring device. ~~The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting~~ http://www.doacs.state.fl.us/onestop/std/petinsp.html. Rulemaking Authority 525.14, 531.40, 531.41(3), 570.07(23) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 6-1-06, 5-6-08, 1-3-10, _____.

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) through (4) No change.

(5) No change.

(a) Aggravating Factors:

1. through 4. No change.

5. The violation existed for more than one month ~~an~~ extended period of time.

6. The violation was repeated within one year ~~a short period of time~~.

7. through 8. No change.

9. ~~Failure Undue delay in initiating or completing, or failure to take or initiate,~~ affirmative or corrective action within 48 hours after receipt of the stop sale order or within the timeframe specified on a notice of non-compliance for the violation.

10. through 13. No change.

(b) Mitigating Factors:

1. through 9. No change.

10. A statement, in writing, provided to the department declaring clear and unequivocal acceptance of responsibility for a first violation within a three-year period.

(6) through (7) No change.

(8) Penalties.

(a) No change.

1. through 4. No change.

5. Violations of subsection 5F-2.014(3) or (4), F.A.C.

6. Violations of subsection 5F-2.001(6), F.A.C.

7. Gasoline blended with ethanol or butanol found to have an ethanol or butanol content of more than one (1.0) percent by volume below the posted ethanol or butanol content displayed on the dispenser or gasoline found to have less than one (1.0) percent by volume ethanol or butanol that is labeled as containing ethanol or butanol.

8. Diesel fuel blended with biodiesel found to have a biodiesel content of more than two (2.0) percent by volume below the posted biodiesel content displayed on the dispenser.

9. A mid-level ethanol blend found to have an ethanol content of more than five (5.0) percent by volume below the posted ethanol content displayed on the dispenser or found to have less than the amount of ethanol permitted under paragraph 5F-2.001(1)(c), F.A.C.

(b) Minor Violations. A violation of Chapter 525, F.S., or this rule chapter is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Minor violations shall result in the issuance of a stop sale order, adopted and incorporated by reference in Rule 5F-2.001, F.A.C., or the device removed from service as specified below. If a third violation within a three year period is discovered a \$500 penalty shall be issued in accordance with Section 525.16(1)(b), F.S. An additional penalty of \$500 shall be issued for each violation discovered thereafter. For the purposes of this rule, the following violations shall be considered minor violations:

1. Violations of subsection 5F-2.001(6), F.A.C.

~~1.2.~~ Gasoline with an octane rating difference of more than one (1.0), but not more than two (2.0) below the octane rating $((R+M)/2)$ displayed on the dispenser.

~~2.3.~~ Gasoline blended with ethanol or butanol found to have an ethanol or butanol content of more than one (1.0) percent by volume, but not more than three (3.0) percent by volume, above or below the posted ethanol or butanol content displayed on the dispenser. ~~No concentration shall be permitted to be less than one (1.0) percent by volume ethanol if the product is labeled as containing ethanol according to the requirements in subsection 5F-2.003(7), F.A.C.~~

~~3.4.~~ Gasoline found not in compliance because of a silver corrosion rating of two (2) as ~~incorporated through the adopted version of ASTM International Designation D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" in paragraph 5F-2.001(10)(a), F.A.C. set forth in ASTM International Designation D 4814 09b, "Standard Specification for Automotive Spark-Ignition Engine Fuel."~~

~~4.5.~~ Gasoline found not in compliance from June 1 through September 15 because of a vapor pressure of up to and including 11.0 psi as ~~incorporated through the adopted version of ASTM International Designation D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" in paragraph 5F-2.001(10)(a), F.A.C. set forth in ASTM International Designation D 4814 09b, "Standard Specification for Automotive Spark-Ignition Engine Fuel."~~

~~5.6.~~ Kerosene found not in compliance by reason of color.

~~6.7.~~ Diesel fuel oil No. 2-D found not in compliance with the flash point standard, but above 100 °F.

~~7.8.~~ Diesel fuel oils No. 1-D and No. 2-D found not in compliance with the ultra-low (S15) sulfur standard, but equal to or below 35 ppm sulfur.

~~8.9.~~ A biodiesel blend found to have a biodiesel content of more than two (2.0) percent by volume, but not more than five (5.0) percent by volume, above or below the posted biodiesel content displayed on the dispenser.

~~9.10.~~ A biodiesel blend (with No. 2-D diesel fuel oil) found not in compliance with the flash point standard, but above 100° F.

~~10.11.~~ Biodiesel and biodiesel blends found not in compliance with the ultra-low (S15) sulfur standard, but equal to or below 35 ppm sulfur.

~~11.12.~~ Violations of paragraph ~~5F-2.003(6)(b)~~ ~~5F-2.003(7)(b)~~, F.A.C.

~~12.13.~~ The following violations shall result in the removal of affected equipment from service.

a. through v. No change.

(c) Major Violations. A violation of a Chapter 525, F.S., or this rule chapter is a major violation if it results in economic or physical harm to a person or adversely affects the public health, safety, or welfare or creates a significant threat of such harm.

Major violations shall result in prohibiting the sale, distribution, offering for sale or distribution of the substandard product ~~the issuance of a stop sale order~~ and imposition of an administrative fine of \$500 per violation, for first-time offenders of Chapter 525, F.S., and/or Rule Chapter 5F-2, F.A.C., within a three-year period. An additional \$500 fine shall be imposed for each subsequent violation within the three-year period, not to exceed the statutory maximum of \$5,000 ~~and \$2,500~~ per violation, for second-time or repeat offenders of Chapter 525, F.S., and/or Rule Chapter 5F-2, F.A.C., and as outlined in Section 525.16(1)(b), F.S. Aggravating factors, as defined in paragraph (5)(a) of this section, shall warrant the adjustment of the fine upward from \$250 to \$2,500 per violation per aggravating factor and mitigating factors, as defined in paragraph (5)(b) of this section, shall warrant the adjustment of the fine downward from \$250 to \$2,500 per violation per mitigating factor, but no fine shall exceed the statutory maxima as outlined in Section 525.16(1)(a), F.S. Violations consisting of water, sediment, and/or suspended matter in petroleum fuel shall be issued a \$500 penalty for the first and any subsequent violation. For the purposes of this rule, the following violations shall be considered major violations:

1. Failure to meet the volatility requirements for gasoline blended with ethanol as specified in subparagraph Rule 5F-2.001(1)(a)1. or 2., or 3., F.A.C.

2. through 3. No change.

4. Violations of paragraph Rules 5F-2.001(1)(c), (d), or (e), F.A.C.

5. Failure to match the posted ethanol or butanol content for gasoline blended with ethanol or butanol; specifically, when the ethanol or butanol content is found to be more than three (3.0) percent by volume above from the posted ethanol or butanol content (percentage by volume).

6. through 9. No change.

10. Failure to match the posted biodiesel content for biodiesel blends (with diesel fuels or fuel oils); specifically, when the biodiesel content is found to be more than five (5.0) percent by volume above from the posted biodiesel content (percentage by volume).

11. No change.

12. Failure to meet any other requirements listed in the standards for gasoline (including gasoline blended with oxygenates), as incorporated through the adopted version of ASTM International Designation D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" D 4814 in paragraph Rule 5F-2.001(1)(a), F.A.C., not already listed in this section.

13. Failure to meet any other requirements listed in the standards for kerosene (kerosine), as incorporated through the adopted version of ASTM International Designation D3699,

“Standard Specification for Kerosine” ~~D-3699~~ in paragraph ~~Rule~~ 5F-2.001(2)(a), F.A.C., not already listed in this section.

14. Failure to meet any other requirements listed in the standards for diesel fuel oils No. 1-D and No. 2-D, as incorporated through the adopted version of ASTM International Designation D975, “Standard Specification for Diesel Fuel Oils” ~~D-975~~ in paragraph ~~Rule~~ 5F-2.001(3)(a), F.A.C., not already listed in this section.

15. Failure to meet any other requirements listed in the standards for fuel oils No. 1 and No. 2, as incorporated through the adopted version of ASTM International Designation D396, “Standard Specification for Fuel Oils” ~~D-396~~ in paragraph ~~Rule~~ 5F-2.001(4)(a), F.A.C., not already listed in this section.

16. Failure to meet any requirements listed in the standards for denatured fuel ethanol, as incorporated through the adopted version of ASTM International Designation D4806, “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel” ~~D-4806~~ in subparagraph ~~Rule~~ 5F-2.001(5)(a)1., F.A.C.

17. Failure to meet any other requirements listed in the standards for Ethanol Fuel Blends (51 to 83 volume percent ethanol) ~~E85 Fuel Ethanol~~, as incorporated through the adopted version of ASTM International Designation D5798, “Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines” ~~D-5798~~ in subparagraph ~~Rule~~ 5F-2.001(5)(c)1.a., F.A.C., not already listed in this section.

18. Failure to meet any other requirements listed in the standards for M85 Fuel Methanol, as incorporated through the adopted version of ASTM International Designation D5797, “Standard Specification for Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines” ~~D-5797~~ in subparagraph ~~Rule~~ 5F-2.001(5)(b)1., F.A.C., ~~Rule 5F-2.001(5)(c)2.a., F.A.C.~~, not already listed in this section.

19. Failure to meet any requirements listed in the standards for biodiesel fuel blend stock (or biodiesel), as incorporated through the adopted version of ASTM International Designation D6751, “Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels” ~~D-6751~~ in subparagraph ~~Rule~~ 5F-2.001(5)(d)1.a., F.A.C.

20. Failure to meet any other requirements listed in the standards for biodiesel blends (with diesel fuel), as incorporated through the adopted version of ASTM International Designation D7467, “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20)” ~~D-7467~~ in subparagraph ~~Rule~~ 5F-2.001(5)(d)2.a., F.A.C., not already listed in this section.

21. Failure to meet any other requirements listed in the standards for biodiesel blends (with fuel oil), as incorporated through the adopted version of ASTM International

Designation D396, “Standard Specification for Fuel Oils” ~~D-396~~ in sub-subparagraph ~~Rule~~ 5F-2.001(5)(d)2.c.b., F.A.C., not already listed in this section.

~~22. Failure to meet any other requirements listed in the standards for mid-level ethanol blends, as incorporated through the adopted version of ASTM International Designation D7794, “Standard Practice for Blending Mid-Level Ethanol Fuel Blends for Flexible-Fuel Vehicles with Automotive Spark-Ignition Engines” in subparagraph 5F-2.001(5)(c)2., F.A.C., not already listed in this section.~~

~~23. Failure to match the posted ethanol content for mid-level blends; specifically, when the ethanol content is found to be more than five (5.0) percent by volume above the posted ethanol content (percentage by volume).~~

~~24. Violations of Rule 5F-2.018, F.A.C.~~

~~25.22. Violations of paragraph 5F-2.003(6)(a) 5F-2.003(7)(a), F.A.C.~~

~~26. Violations of subsection 5F-2.003(7), F.A.C.~~

~~27. Violations of subsection 5F-2.003(10), F.A.C.~~

~~28.23. Violations of subsection 5F-2.005(5), F.A.C.~~

~~29.24. Violations of subsection 5F-2.014(2), F.A.C.~~

~~30.25. Failure to correct violations of law, rule, or adopted sections of NIST Handbook 44, as adopted in Rule 5F-5.001, F.A.C., or NIST Handbook 130 (pertaining to petroleum measuring devices, as adopted in Rule 5F-7.005, F.A.C.) within the time period specified in a notice of non-compliance. Any device affected by a correction notice issued pursuant to this rule chapter that is not corrected within the time period specified shall be removed from service until such time that the deficiency has been corrected.~~

~~31. Failure to meet any requirements listed in the standards for butanol, as incorporated through the adopted version of ASTM International Designation D7862, “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel” in subparagraph 5F-2.001(5)(e)1., F.A.C.~~

(d) Willful Violations. Any willful and intentional violation of Chapter 525, F.S., or this rule chapter or of any requirement or standard adopted pursuant thereto, shall result in the imposition of an administrative fine of up to \$5,000 per violation. Willful violations shall include, but are not limited to, the following:

1. The unauthorized breaking, cutting, or removal of any seal applied by the department; Failure to comply with either a Final Order or a Default Final Order of the department. Any willful and intentional violation of Chapter 525, F.S., or this rule chapter or of any requirement or standard adopted pursuant thereto, not otherwise included in this section shall result in the imposition of an administrative fine of up to \$5,000 per violation.

2. The sale or distribution, or offering for sale or distribution, of any petroleum fuel under stop sale order; Any willful and intentional violation of a stop sale order; the conditions stipulated on a release; or a notice of noncompliance.

3. The sale or distribution, or offering for sale or distribution, of any petroleum fuel that was previously placed under a stop sale order and that has not been made to conform to standard;

4. Violations which result from a failure to comply with a Final Order, a notice of non-compliance, a stop sale order, or any condition stipulated on a release of a stop sale order.

(9) No change.

Rulemaking Authority 525.14, 531.41, 570.07(23) FS. Law Implemented 525.16 FS. History—New 2-24-00, Amended 7-30-02, 6-1-06, 5-6-08, 1-3-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Matthew D. Curran, Ph.D., Chief, Bureau of Standards

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

May 16, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:

July 22, 2013

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness

RULE NO.: RULE TITLE:

5P-1.003 Responsibilities for the School Food Service Program

PURPOSE AND EFFECT: The purpose of this amendment is to adopt the United States Department of Agriculture competitive food standards and establish an exemption for infrequent school-sponsored fundraisers during the school day as allowed by the Healthy, Hunger-Free Kids Act of 2010. The effect is to adopt the competitive food standards as established by the United States Department of Agriculture that go into effect on July 1, 2014 for those schools participating in the National School Lunch Program and School Breakfast Program to follow and allow those schools to have infrequent school-sponsored fundraisers that do not comply with the United States Department of Agriculture competitive food standards.

SUMMARY: The proposed rule amends the current rule to require that competitive food and beverage items sold to students during the school day which meet the nutrition standards for competitive food as defined and required in 7 CFR 210.11 (as amended by the USDA Food and Nutrition Service Interim Final Rule) are not allowable until one (1) hour after the conclusion of the district school food service program’s last designated meal period unless the items are being sold by the

district school food service program during its designated meal service periods. The proposed rule permits each district school board to grant a special exemption from the nutrition standards for competitive foods as required in 7 CFR 210.11 for the purpose of conducting infrequent school-sponsored fundraisers. The proposed rule defines the term “school-sponsored fundraiser,” and encourages the establishment of a Healthy School Team by each school for the purposes of supporting the efforts of each school district’s local wellness policy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the Department relied upon a survey of a diverse cohort of stakeholders. The Department also received feedback and estimated costs through three workshops conducted across the state. Additionally, no interested party submitted additional information regarding the economic impact. 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. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 570.07(23), 595.404(3), (9) FS.

LAW IMPLEMENTED: 595.404(1), (3), (4) FS.

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

DATE AND TIME: Wednesday, June 18, 2014, 4:00 p.m. – 6:00 p.m.

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Boulevard Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robin Safley, 1(800)504-6609 or (850)617-7400

THE FULL TEXT OF THE PROPOSED RULE IS:

5P-1.003 Responsibilities for the School Food Service Program.

(1) No change.

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

(c) To control the sale of food and beverage items in competition with the district approved food service program, ~~including those classified as “foods of minimal nutritional value,” listed in Code of Federal Regulations 210, Appendix B. These items may be sold in secondary schools only, with the approval of the school board, one (1) hour following the close of the last lunch period. A school board may allow the sale of carbonated beverages to students in high schools by a school activity or organization authorized by the principal at all times if a beverage of one hundred (100) percent fruit juice is sold at each location where carbonated beverages are sold. However, carbonated beverages may not be sold where breakfast or lunch is being served or eaten. Non carbonated beverages, including one hundred (100) percent fruit juice, may be sold at all times~~

during the day at any location. Consideration should be given to allowing only the sale of nutritious food and beverage items which meet at least United States Department of Agriculture dietary guidelines for Americans. Competitive food and beverage items sold to students during the school day which meet the nutrition standards for competitive food as defined and required in 7 CFR 210.11 shall not be sold on any school campus until one (1) hour after the conclusion of the district school food service program’s last designated meal period unless the items are being sold by the district school food service program during its designated meal service periods. Each district school board is permitted to grant a special exemption from the nutrition standards for competitive foods as required in 7 CFR 210.11 for the purpose of conducting infrequent school-sponsored fundraisers not to exceed the following maximum number of school days per school campus each school year:

<u>School Type</u>	<u>Maximum Number of Days Allowed for Exempted Competitive Food Fundraisers</u>
<u>Elementary Schools</u>	0 days
<u>Middle School/Junior High Schools</u>	= 10 days
<u>Senior High Schools</u>	= 15 days
<u>Combination Schools</u>	= 10 days
<p><u>Elementary Schools: Schools providing regular or other instruction at one or more grade levels from PK through grade 5. This category includes schools serving grade 6 if also serving one or more grades PK through 5 (e.g., a K-6 school).</u></p> <p><u>Middle/Junior High Schools: Schools providing regular or other instruction in middle school configurations (grades 6-8) and junior high school configurations (grades 7-9). This category also includes schools serving a single grade in the 6-8 range (e.g., a 6th grade center).</u></p> <p><u>Senior High Schools: Schools providing regular or other instruction at one or more grade levels from 9 to 12. This classification includes 9th grade centers.</u></p> <p><u>Combination Schools: Schools providing regular or other instruction in grade groupings that include more than one of the categories described above (e.g., PK-8, 6-12, K-12, etc.).</u></p>	

For the purposes of this section, “school-sponsored fundraiser” shall be defined as any event or activity occurring on the school campus during which currency, tokens, tickets, or the like are exchanged for the sale or purchase of items or services to benefit the school, a school organization or group, or a charitable organization, and which is authorized according to district school board policy and has been approved by the school principal or designee. Each district school board shall maintain records documenting the occurrence of any exempted competitive food fundraisers to demonstrate compliance with this rule. In the absence of a Healthy School Team the Local Educational Agency shall maintain records demonstrating compliance in accordance with 7 CFR 210.11

(d) To encourage each school to establish a Healthy School Team. Any Healthy School Team should include, but not be limited to, the following stakeholders: parents, students, school food service program representatives, school administrators, school health professionals, physical education teachers and the public. A Healthy School Team should, at a minimum, be responsible for ensuring compliance with paragraph (c) of this rule and 7 CFR 210.11 as it relates to competitive food and beverage items sold on school campuses; maintaining a school calendar identifying the dates when exempted competitive food fundraisers will occur in accordance with the frequency specified in paragraph (c) of this rule; and reporting its school’s compliance with this rule to the designated Local Educational Agency official or school official responsible for overall compliance with the Local Educational Agency’s wellness policy. In the absence of a Healthy School Team the Local Educational Agency shall maintain records demonstrating compliance in accordance with 7 CFR 210.11. ~~To require that when competitive food and beverage items are sold during the school day all proceeds from such sales shall accrue to the food~~

~~service program or to a school organization approved by the school board.~~

(e) through (1) No change.

(3) through (4) No change.

Rulemaking Authority 570.07(23), 595.404(3), (9), ~~1006.06(2)~~ FS. Law Implemented 595.404(1), (3), (4), ~~1006.06, 1006.0605, 1006.0606~~ FS. History—Amended 3-26-66, 4-17-72, 4-19-73, 10-20-73, Revised 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 10-18-77, 12-11-79, 1-7-81, 7-28-81, 9-23-81, 6-28-83, 10-15-84, 7-10-85, Formerly 6A-7.42, Amended 5-3-88, 5-16-90, 6-30-92, Formerly 6A-7.042, Amended 10-11-99, 1-25-00, Formerly 6-7.042, 6A-7.0411, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Safley, Director, Division of Food, Nutrition, and Wellness

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 29, 2014

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.:
69W-600.016

RULE TITLE:
Net Capital Requirements for Dealers and Investment Advisers

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. 40, No. 97, May 19, 2014 issue of the Florida Administrative Register.

Following comment by the Joint Administrative Procedures Committee, the cross-reference to Rule 69W-200.002, F.A.C. in subparagraph (2)(b) of the proposed rule is changed:

69W-600.016 Net Capital Requirements for Dealers and Investment Advisers.

(1) No change.

(2) All dealer applicants and registrants shall meet and at all times maintain the net capital and ratio requirements as prescribed by SEC Rule 15c3-1 including any appendices thereto (17 C.F.R. § 240.15c3-1, 240.15c3-1a, 240.15c3-1b, 240.15c3-1c, 240.15c3-1d, 240.15c3-1e, 240.15c3-1f, and 204.15c3-1g), computed in accordance with said rule. The foregoing are incorporated by reference in Rule 69W-200.002, F.A.C.

(a) No change.

(b) All references to (17 C.F.R. § 240.17a-3) and (17 C.F.R. § 240.17a-4), which are incorporated by reference in Rule 69W-200.002, F.A.C., in the foregoing and subsequent provisions of Office of Financial Regulation or SEC Rules as adopted by the Office of Financial Regulation, shall be read as to mean Office of Financial Regulation, Rule 69W-600.014, F.A.C. ~~The foregoing SEC Rules are incorporated by reference in Rule 69W-200.002, F.A.C.~~

(3) through (5) No change.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.12(9), (16) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.16, Amended 10-15-86, 8-1-91, 6-29-93, 11-22-93, Formerly 3E-600.016, Amended 11-22-10,_____.

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF HEALTH
Board of Medicine
RULE NO.: RULE TITLE:
64B8-4.009 Applications

NOTICE IS HEREBY GIVEN that on June 10, 2014, the Board of Medicine received a petition for waiver or variance filed by Mohammad Ayoub, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner’s medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address or telephone: (850)245-4131.

DEPARTMENT OF HEALTH

Board of Medicine
RULE NO.: RULE TITLE:
64B8-4.009 Applications

NOTICE IS HEREBY GIVEN that on June 3, 2014, the Board of Medicine received a petition for waiver or variance filed by Michael Rachman, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner’s medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address or telephone: (850)245-4131.

DEPARTMENT OF HEALTH

Board of Medicine
RULE NO.: RULE TITLE:
64B8-4.009 Applications

NOTICE IS HEREBY GIVEN that on June 4, 2014, the Board of Medicine received a petition for waiver or variance filed by Murugesapillai Ganesan, M., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner’s medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address or telephone: (850)245-4131.

DEPARTMENT OF HEALTH
Division of Environmental Health
RULE NO.: RULE TITLE:

64E-16.004 Storage and Containment

NOTICE IS HEREBY GIVEN that on May 28, 2014, the Department of Health received a petition for Variance from Florida Administrative Code subparagraph 64E-16.004(2)(d)3, from Kelly Roberts, Petitioner, on behalf of Stericycle, Inc. This rule prescribes that reusable sharps containers shall be emptied into a treatment cart or directly into the treatment unit. The Petitioner requests a variance from the rule to allow the Petitioner to open reusable sharps containers and empty the contents into a larger reusable sharps container for transportation to a permitted treatment facility. Comments on this petition should be filed with Jamie Briggs, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Israel Juarbe, Jr., Bureau of Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4444, ext. 2336.

DEPARTMENT OF FINANCIAL SERVICES
Division of Funeral, Cemetery, and Consumer Services
RULE NO.: RULE TITLE:

69K-18.004: Intern Training Agencies

NOTICE IS HEREBY GIVEN that on June 9, 2014, the Division of Funeral, Cemetery and Consumer Services received a petition for waiver of certain requirements of subsection 69K-18.004(3), FAC. The petition was filed on behalf of Legacy Funeral Holdings of Florida, LLC, which is acquiring certain funeral establishments that are currently training agencies. Legacy Funeral Holdings of Florida, LLC seeks a waiver such that the number of cases done by the prior owner of the funeral establishment should count against the requirement of the cited rule, so that the training agency status of the funeral establishments may be continued, thus preventing the imposition of serious hardship to the interns currently training at the said funeral establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting Jasmin Richardson at (850)413-3039.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE
Division of Historical Resources
The Bureau of Historic Preservation, Florida National Register Review Board announces a public meeting to which all persons are invited.

DATE AND TIME: June 26, 2014, 1:00 p.m.

PLACE: R.A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review nomination proposals for listing in the National Register of Historic Places.

A copy of the agenda may be obtained by contacting: Desiree Estabrook, 1(800)847-7278 or via email: Desiree.Estabrook@dos.myflorida.com. (Teleconferencing will be available.)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Desiree Estabrook, 1(800)847-7278 or via email: Desiree.Estabrook@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Desiree Estabrook, 1(800)847-7278 or via email: Desiree.Estabrook@dos.myflorida.com.

DEPARTMENT OF STATE
Division of Library and Information Services
The Division of Library and Information Services announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 25, 2014, 9:00 a.m., EDT until conclusion

PLACE: Room 307, R.A. Gray Building, 500 South Bronough, Tallahassee FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division of Library and Information Services' Senior Managers will review federal fiscal year 2014 grant applications for the Library Services and Technology Act (LSTA) funds.

A copy of the agenda may be obtained by contacting Dorothy Frank, Library Program Specialist at (850)245-6631 or via email at dorothy.frank@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days prior to the workshop/meeting by contacting Dorothy Frank at (850)245-6631 or dorothy.frank@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness

RULE NO.: RULE TITLE:

5P-1.003 Responsibilities for the School Food Service Program

The Florida Department of Agriculture and Consumer Services, Division Food, Nutrition, and Wellness announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, June 18, 2014, 4:00 p.m. – 6:00 p.m.

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Boulevard Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: A proposed Responsibilities for the School Food Service Program rule (5P-1.003). The proposed rule is being developed because: 7 CFR Parts 210 and 220, The National School Lunch Program and School Breakfast Program provide regulations to establish nutrition standards for all foods sold in schools, other than food sold under the lunch and breakfast programs. Amendments made by Section 208 of Healthy, Hunger-Free Kids Act of 2010 (HHFKA) require the USDA to establish nutrition standards for such foods, consistent with the most recent Dietary Guidelines for Americans, and directs the USDA to implement an authoritative scientific recommendations for nutrition standards for: existing school nutrition standards, including voluntary standards for beverages and snack foods; current State and local standards; the practical application of the nutrition standards; and special exemptions for infrequent school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a 'la carte sales and any other exclusions determined by USDA). When the Florida rule was

adopted the federal rules did not regulate all foods on campus during the school day and therefore it was important for Florida to create guidance on the allowance of competitive foods. The federal rule gives specific nutritional standards for competitive foods on campus and specific guidance on when those foods can be sold and takes into account the most recent dietary guidelines and is more comprehensive and concise than the Florida rule. This rule is expected to improve the health and well-being of the Nation's children, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits.

A copy of the agenda may be obtained by contacting: Robin Safley, 1(800)504-6609 or (850)617-7400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Robin Safley, 1(800)504-6609 or (850)617-7400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Robin Safley, 1(800)504-6609 or (850)617-7400.

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

The Office of Early Learning announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 24, 2014, 10:00 a.m. – 4:30 p.m.

PLACE: Office of Early Learning, 250 Marriott Drive, Tallahassee, Florida 32399

A conference call dial-in number is also available to listen to the meeting. The dial-in number: 1(888)670-3525 and the participant passcode: 1971203669

GENERAL SUBJECT MATTER TO BE CONSIDERED: Early Learning Performance Funding Pilot Project.

A copy of the agenda may be obtained by contacting: megan.folts@oel.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: megan.folts@oel.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: megan.folts@oel.myflorida.com.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: June 25, 2014, 9:30 a.m.

PLACE: Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Room 105, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

Internal Affairs Agendas and Florida Public Service Commission’s contact information may be obtained from www.floridapsc.com Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the conference via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.

Changes to this notice will be published at the earliest practicable time on the Commission’s website.

EXECUTIVE OFFICE OF THE GOVERNOR

The Governor’s Commission on Jobs for Floridians with Disabilities announces a public meeting to which all persons are invited.

DATE AND TIME: June 18, 2014, 9:00 a.m.

PLACE: 401 Senate Office Building, 404 South Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general business of the Governor’s Commission pursuant to Executive Order 11-161.

A copy of the agenda may be obtained by contacting: David Darm at (850)245-0551 or David.Darm@dbs.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: David Darm at (850)245-0551 or David.Darm@dbs.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David Darm at (850)245-0551 or David.Darm@dbs.fldoe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

The Building Code Administrators & Inspectors Board announces a public meeting to which all persons are invited.

DATES AND TIMES: August 6-8, 2014, 9:00 a.m., CDT each day

PLACE: Crowne Plaza, 200 East Gregory St., Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel (portions of which may be closed to the public), general board business.

A copy of the agenda may be obtained by contacting: MyFloridaLicense.com - Our Businesses & Professions - Building Code.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the board office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, “THE COMMISSION”, SWIMMING POOL Technical Advisory Committee, announces a public meeting to which all persons are invited.

DATE AND TIME: June 26, 2014, 10:00 a.m. – until completion

PLACE: Meeting to be conducted using communications media technology, specifically teleconference and webinar: You must access both the Teleconference number for Audio Only and the Webinar for Visual Only.

To join the online meeting (Now from mobile devices!)

1. Go to <https://suncom.webex.com/suncom/j.php?ED=281474122&UID=492507407&RT=MiMxMQ%3D%3D>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: (This meeting does not require a password.)
4. Click “Join”.

Provide your phone number when you join the meeting to receive a call back. Alternatively, you can call:

Call-in toll-free number: 1(888)670-3525 (US)

Call-in number: 1-(720)389-1212 (US)

Show global numbers:

Attendee access code: 606 232 6940

Public point of access: Office of Codes and Standards, Department of Business and Professional Regulation, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss and recommend potential research topics for consideration by the Commission.

A copy of the agenda may be obtained by contacting: Mr. Chip Sellers, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit our website at: <http://floridabuilding.org/c/default.aspx>. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, phone: (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. Chip Sellers, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit our website at: <http://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

The Board of Accountancy announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 18, 2014, 9:00 a.m. until all business is concluded

PLACE: Conference call, dial-in number: 1(888)670-3525, pass code number: 9801392456#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Budget Task Force will meet to discuss the board's quarter financials.

A copy of the agenda may be obtained by contacting: Denise Graves, (352)313-6607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Denise Graves. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Denise Graves, (352)313-6607.

DEPARTMENT OF HEALTH

Board of Chiropractic

The Board of Chiropractic Medicine Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, July 29, 2014, 1:00 p.m. at Meet Me number: 1(888)670-3525, participant code: 9238150597

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously by the panel.

A copy of the agenda may be obtained by contacting: Sherra W. Mears.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sherra W. Mears. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

The Board of Podiatric Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 18, 2014, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Sherra W. Mears, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or by accessing the website at <http://floridaspodiatricmedicine.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sherra W. Mears. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Agency for Persons with Disabilities

The Department of Children and Family Services announces a public meeting to which all persons are invited.

DATE AND TIME: June 19, 2014, 2:00 p.m. – 4:30 p.m., EDT

PLACE: Sunland Center, Office of Quality Management Room 52, 3700 Williams Drive, Marianna, Florida 32446-7973

Please call in for audio and follow the instructions below to view the presentation during the call.

CALL-IN INFORMATION: 1(888)670-3525, Passcode: 9503228462

This meeting will involve Microsoft Lync for sharing presentations over the internet. If you already have access to Microsoft Lync, please use to the following link to join the meeting and then choose “Don’t join audio”:

<https://meet.lync.com/apdf/mary.gallagher/NHWVJMD3>

If you do not already have Microsoft Lync installed, please follow the hotlink below and choose “Meeting Readiness”:

<http://office.microsoft.com/client/helppreview.aspx?AssetId=HA102621125&lcid=1033&NS=OCO14&Version=14>

You will be presented with two options: 1) install Active X or 2) download and install Microsoft Attendee. We recommend you install Microsoft Attendee.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The training and resource development action plan for aging caregivers and customers will be discussed.

A copy of the agenda may be obtained by contacting: <http://apdcares.org/publications/legal>, Tracey Tolbert, (850)488-4358, Tracey.Tolbert@apdcares.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4358. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4358, tracey.tolbert@apdcares.org.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Family Safety and Preservation Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 25, 2014, 10:30 a.m. – 3:00 p.m.

PLACE: Florida Turnpike Headquarters, Turkey Lake Service Plaza, Building 5315, Auditorium B, Mile Marker 263 on Florida Turnpike, Ocoee, Florida 34761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Independent Living Services Advisory Council Parenting Teens Workgroup Meeting.

A copy of the agenda may be obtained by contacting: Rebecca Pengelley at becky_pengelley@dcf.state.fl.us or (850)717-4218.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Rebecca Pengelley at becky_pengelley@dcf.state.fl.us or (850)717-4218. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NAVIGATION DISTRICTS

West Coast Inland Navigation District

RULE NO.: RULE TITLE:

66A-2.003 Policy

The West Coast Inland Navigation District announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 26, 2014, 10:30 a.m.

PLACE: Venice City Hall, 401 W. Venice Avenue, Venice, FL 34285

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District.

A copy of the agenda may be obtained by contacting: WCIND, 200 E. Miami Avenue, Venice, FL 34285.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: June 18, 2014, 9:00 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

AREA AGENCY ON AGING FOR NORTH FLORIDA

The Area Agency on Aging for North Florida, Inc. announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 11, 2014, 11:00 a.m., EDT

PLACE: 2414 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Current funding formula for Older Americans Act and Community Care for the Elderly, and proposed revisions.

A copy of the agenda may be obtained by contacting: Please contact Linda Burns at (850)488-0055 for conference call access information.

GULF CONSORTIUM

The Gulf Consortium announces a public meeting to which all persons are invited.

DATE AND TIME: June 20, 2014, 10:00 a.m., Eastern Time

PLACE: Room Floridian J, Hilton Orlando Bonnet Creek, 14100 Bonnet Creek Resort Lane, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to hear presentations by VISIT Florida, Fish and Wildlife Research Institute on Gulf Fisheries, and the U.S. Treasury Inspector General; to consider staff updates on legal and legislative matters; the status of the Invitation to Negotiate for a state expenditure plan consultant; funding and implementation options, and other matters.

A copy of the agenda may be obtained by contacting: Doug Darling at (850)922-4300 or ddarling@fl-counties.com or see www.FACRestore.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by

contacting: Doug Darling at (850)922-4300 or ddarling@fl-counties.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Doug Darling at (850)922-4300 or ddarling@fl-counties.com or see www.FACRestore.com.

NORTHWOOD SHARED RESOURCE CENTER

The Northwood Shared Resource Center (NSRC) Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 19, 2014, 1:30 p.m.

PLACE: Department of Business and Professional Regulation, Professions Board Room, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes, Finance Committee Report, Operational Committee Report, NSRC Action Items, NSRC Updates/Informational Items, Executive Director Updates, Old Business, New Business, Adjournment.

A copy of the agenda may be obtained by contacting: Robin Tucker at (850)717-0072 or by email: robin.tucker@nsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Robin Tucker at (850)717-0072 or by email: robin.tucker@nsrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

CITIZENS PROPERTY INSURANCE CORPORATION

The Market Accountability Advisory Committee of Citizens Property Insurance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 24, 2014, 8:00 a.m.

PLACE: The Alford Inn, 300 E. New England Avenue, Winter Park, FL, Dial-in: 1(866)361-7525, Conference ID: 7849939192#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Market Accountability Advisory Committee.

A copy of the agenda may be obtained by contacting: by accessing the corporate website at www.citizensfla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker, (850)513-3744. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

Notice is hereby given that the Construction Industry Licensing Board has received a Petition for Declaratory Statement filed on behalf of Frederick D. Hagen, on May 30, 2014. The Petitioner seeks a statement from the Board as to whether the mandatory annual inspections of Backflow Prevention Devices required by the City of Tallahassee Cross Connection Control must be performed by a licensed plumbing contractor. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

Copies of the petition may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of the
Joint Administrative Procedures Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Ponciana Estates C

NOTICE IS HEREBY GIVEN that the Division of Community Planning and Development, Department of Economic Opportunity, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to paragraph 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-06-2014-008
DATE RECEIVED: June 9, 2014
DEVELOPMENT NAME: POINCIANA ESTATES C
DEVELOPER/AGENT: AV Homes, Inc.
DEVELOPMENT TYPE: 28-24.023, F.A.C.
LOCAL GOVERNMENT: Osceola County

Section XIII
Index to Rules Filed During Preceding
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
