

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

NONE

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.001	Definitions
5F-11.004	Bureau of Liquefied Petroleum Gas Inspection Forms
5F-11.012	Installer Licenses
5F-11.013	Minimum Storage as Relates to Liquefied Petroleum Gas
5F-11.022	Marking of Containers
5F-11.026	Unsafe Container or System
5F-11.029	Inspection of DOT Cylinders
5F-11.044	Out-of-gas, Leak Call, and Interrupted Service Procedure
5F-11.045	Dispensing Units
5F-11.047	Connecting or Disconnecting Cylinders, Tanks, or Systems; Notice to Owner; Transportation
5F-11.048	Cylinder Exchange Units
5F-11.060	Documentation of Training, General
5F-11.061	Master Qualifier Examinations; Applicant Qualifications
5F-11.062	Approved Courses of Continuing Education
5F-11.064	Renewal of Qualifier and Master Qualifier Certificates
5F-11.065	Examination Procedures
5F-11.066	Reporting of Qualifier and Master Qualifier Vacancies
5F-11.078	Facility Inspection Report; Vehicle Inspection Report; Notice of Required Correction; and Failure to Correct.
5F-11.080	Enforcement Actions and Administrative Penalties
5F-11.082	Resolution of Violations, Settlement, and Additional Enforcement Remedies

PURPOSE AND EFFECT: These proposed rule changes and new rules will adopt national definitions and clarify terms used throughout Rule Chapter 5F-11; incorporate department forms by reference and indicate the internet site from which copies may be obtained; clarify submission requirements for licensure applicants; establish a new specialty installer license type; clarify requirements for posting of owner information at dealer

sites; clarify procedure for "red-tagging" unsafe systems; establish requirement to document leak test results; correct references to codes, statutes, or rules; clarify "working days" for purposes of notice of disconnect and establish that disconnect notices will expire after thirty working days; clarify existing and establish additional safety requirements for protection of cylinder storage units; clarify experience requirements for qualifiers; clarify examination and re-examination procedures; clarify term "immediately" for purposes of reporting qualifier vacancies and establish department e-mail site to which notices may be sent; clarify use of Facility Inspection Report and Vehicle Inspection Report and establish use of Notice of Required Correction and procedures for requesting extensions to correct code violations; specify penalties to be assessed for violations of laws, rules, and regulations to ensure uniformity in the application of such penalties; and establish alternative resolution procedures.

SUMMARY: All proposed rule changes and additions are to ensure that rule language is unambiguous and that current department practices and procedures are codified in rule form. For example, new language regarding inspection reports and deficiencies clarifies and codifies current bureau practices and procedures, including compliance extension requests. Also, all penalties proposed are in keeping with the written guidelines used by the bureau for the past several years in addressing violations of law, rule, and applicable safety regulations; no new violations are created in the proposed rule. Added definitions are also consistent with those commonly used in the industry and are in keeping with NFPA 58, a national safety code adopted in Section 527.06, Fla. Stat., and incorporated by reference in Rule 5F-11.002, F.A.C. The proposed rule clarifies industry terms including "two working days" for purposes of disconnecting propane systems belonging to other companies, "adequate barriers" in regard to protecting storage units from vehicular traffic, and "immediate" for purposes of reporting qualifier and master qualifier vacancies. The lack of definitions in these areas has resulted in inconsistency in compliance with safety standards and rule requirements. Forms that are currently required to be submitted to the department, including licensure application forms, which were not previously adopted by rule, are added and incorporated and all forms have been updated to reflect new agency administration and contact information. Other changes were prompted by specific requests from the industry, such as creation of a new specialty installer license for generator installations and establishing of a time limit for disconnect notices with the requirement that such notices be re-submitted upon expiration.

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. Most of the proposed amendments and modifications serve to establish existing procedures in rule form, and therefore, no anticipated cost increases are associated with these changes. These include all sections addressing administrative violations and penalties. In addition, some proposed rule changes actually serve to lower costs to small businesses. For example, new language creating a generator installer's license will permit persons currently performing this activity to apply for a single license instead of multiple licenses currently required, thereby reducing costs; and new language permitting cylinder exchange operators to utilize an approved fire extinguisher already present at the business establishment in lieu of having to purchase an extinguisher specifically for the exchange unit will also result in lower costs.

In analyzing potential cost increases, the department has discussed all rule changes and all new language additions on numerous occasions with propane-industry based groups, such as the Florida Propane Gas Association and the Florida LP Gas Advisory Board. These groups have noted that any changes or new requirements would have nominal fiscal impact, if any. Additionally, no interested party submitted additional information regarding the economic impact.

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: 527.02, 527.0201, 527.021, 527.03, 527.04, 527.055, 527.06, 527.0605, 527.10, 527.11, 527.13 FS.

LAW IMPLEMENTED: 527.02, 527.0201, 527.021, 527.03, 527.04, 527.055, 527.06, 527.0605, 527.061, 527.07, 527.08, 527.09, 527.10, 527.11, 527.12, 527.13, 527.14 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa M. Bassett, Chief, Bureau of Liquefied Petroleum Gas Inspection, Department of Agriculture and Consumer Services, 2005 Apalachee Parkway,

Tallahassee, Florida 32399-6500, Telephone Number: (850)921-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.001 Definitions.

The following terms, unless otherwise expressly stated, shall have the following meanings:

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

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

(a) through (b) No change.

(c) Has an established program for periodic inspection of factory production ~~procedures procedure~~, including quality control; and

(d) Operates independently of control or influence of producers, suppliers, or vendors, of the product, equipment, or material being tested under the applicable statute or regulation.

(3) As provided in NFPA 58, which is incorporated by reference in Rule 5F-11.002, F.A.C., "container" means any vessel, including "tanks" and "cylinders", used for the transporting or storing of liquefied petroleum gases.

(4) "Working days" means any day occurring Monday through Friday, excluding state holidays, and encompassing a full 8-hour work day, typically from 8:00 a.m. until 5:00 p.m. Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Amended 7-18-85, Formerly 4B-1.21, 4B-1.021, Amended 3-15-94, 7-20-95,_____.

(Substantial rewording of Rule 5F-11.004 follows. See Florida Administrative Code for present text.)

5F-11.004 Bureau of Liquefied Petroleum Gas Inspection Forms.

The following documents are hereby incorporated by reference and may be obtained from the Division of Consumer Services, Bureau of Liquefied Petroleum Gas Inspection, 2005 Apalachee Parkway, Tallahassee, FL 32399-6500 or online as indicated.

(1) FDACS-03501 (02/14), Category I Liquefied Petroleum Gas Dealer (0601) License Renewal Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(2) FDACS-03504 (02/14), Examination Scheduling Request, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(3) FDACS-03505 (11/12), Minimum Storage, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(4) FDACS-03506 (02/14), Liquefied Petroleum Gas Installer B (0407) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(5) FDACS-03507 (02/14), Category III Liquefied Petroleum Gas Cylinder Exchange Operator (0404) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(6) FDACS-03508 (02/14), Manufacturer of Liquefied Petroleum Gas Appliances and Equipment (0402) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(7) FDACS-03509 (02/14), Liquefied Petroleum Gas Installer C (0408) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(8) FDACS-03510 (02/14), Requalifier of Cylinders (0409) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(9) FDACS-03511 (02/14), Fabricator, Repairer, and Tester of Vehicles and Cargo Tanks (0411) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(10) FDACS-03512 (02/14), Category I Liquefied Petroleum Gas Dealer (0601) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(11) FDACS-03513 (02/14), Dealer in Appliances and Equipment for Use of Liquefied Petroleum Gas (0602) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(12) FDACS-03514 (02/14), Liquefied Petroleum Gas Installer D (0603) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(13) FDACS-03515 (02/14), Category II Liquefied Petroleum Gas Dispenser (0604) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(14) FDACS-03516 (02/14), Liquefied Petroleum Gas Installer A (0803) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(15) FDACS-03517 (02/14), Pipeline System Operator (0804) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(16) FDACS-03518 (02/13), Indemnity Bond (\$300,000), http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(17) FDACS-03519 (02/13), Indemnity Bond (\$1,000,000), http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(18) FDACS-03520 (02/14), Liquefied Petroleum Gas Insurance Affidavit Category III LP Gas Cylinder Exchange Operator, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(19) FDACS-03521 (02/14), Liquefied Petroleum Gas Insurance Affidavit (For All Licenses Except Category III Cylinder Exchange Operators), http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(20) FDACS-03522 (02/14), Facility Inspection Report, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(21) FDACS-03523 (11/12), Vehicle Registration Form, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(22) FDACS-03524 (02/14), Odorizers/Importers Quarterly Remittance Report, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(23) FDACS-03525 (02/14), Category IV Liquefied Petroleum Gas Dispenser and RV Servicer (0605) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(24) FDACS-03526 (02/14), Liquefied Petroleum Gas Cargo Vehicle Meter Inspection, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(25) FDACS-03527 (02/14), Master Qualifier Declaration of Eligibility, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(26) FDACS-03528 (08/13), LP Gas Training Registration Form, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(27) FDACS-03529 (02/14), Vehicle Inspection Report, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(28) FDACS-03530 (02/14), LP Gas Installers (0603, 0605, 0606) License Renewal Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(29) FDACS-03531 (02/14), Liquefied Petroleum Gas Installer E (0405) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(30) FDACS-03532 (07/13), Dealer in Appliances and Equipment for Use of Liquefied Petroleum Gas (0602) License Renewal Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(31) FDACS-03533 (02/14), Pipeline System Operator (0804) License Renewal Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(32) FDACS-03534 (02/14), Category V Liquefied Petroleum Gases Dealer for Industrial Uses Only (0606) License Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(33) FDACS-03536 (07/13), Category III LP Gas Cylinder Exchange Operator (0404) License Renewal Coupon, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(34) FDACS-03554 (02/14), Site Plan With Fee, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(35) FDACS-03555 (02/14), Qualifier/Master Qualifier Position Location Transfer Request, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(36) FDACS-03559 (02/14), Site Plan With No Fee , <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(37) FDACS-03563 (02/14), Liquefied Petroleum Gas Vehicle Inspection Invoice, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(38) FDACS-03564 (02/14), Stop Use Order, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(39) FDACS-03565 (02/14), Liquefied Petroleum Gas Installer F (0406) License Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(40) FDACS-03566 (02/14), Category III LP Gas Cylinder Exchange Operator (0404) License Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(41) FDACS-03567 (02/14), LP Gas Dispensers (0409, 0411, 0604) License Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(42) FDACS-03568 (02/14), LP Gas Installer (0405, 0406, 0407, 0408, 0803) License Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(43) FDACS-03569 (02/14), Qualifier/Master Qualifier LP Gas Dealer (0601) Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(44) FDACS-03570 (02/14), Qualifier LP Gas Installer (0803) Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(45) FDACS-03571 (07/13), Dealer in Appliances and Equipment for Use of Liquefied Petroleum Gas (0602) License Renewal Coupon, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(46) FDACS-03572 (02/14), Qualifier/Master Qualifier LP Gas Installer (0803) Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(47) FDACS-03573 (02/14), Qualifier LP Gas Dealer (0601) Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(48) FDACS-03574 (02/14), Manufacturer of Liquefied Petroleum Gas Appliances and Equipment (0402) License Renewal Application, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

Rulemaking Authority [527.0201](#), 527.06, FS. Law Implemented [527.02](#), [527.0201](#), [527.021](#), [527.03](#), [527.04](#), [527.055](#), [527.06](#), [527.0605](#), [527.061](#), [527.11](#) FS. History—New 6-08-88, Amended 2-5-91, 3-18-92, Formerly 4B-1.034, Amended 7-20-95, 6-8-99, _____.

5F-11.012 Installer Licenses.

(1) No change.

(a) Installer B is any person engaged in the liquefied petroleum gas business whose services include installing, servicing, altering, or modifying apparatus, piping, tubing, appliances, or equipment for the use of liquefied petroleum gas when the apparatus, piping, tubing, appliances, or equipment is

part of or attached to a recreational vehicle. Any person desiring to become licensed as an Installer B must meet the requirements for licensure set forth in ss. 527.02, 527.0201, and 527.04, F.S., and submit FDACS-03506 (02/14), Liquefied Petroleum Gas Installer B (0407) License Application, as incorporated by reference in Rule 5F-11.004, F.A.C.

(b) Installer C is any person engaged in the liquefied petroleum gas business whose services include installing, servicing, altering, or modifying appliances, equipment, piping, or tubing to convey liquefied petroleum gas to appliances or equipment and selling or offering to sell, leasing or offering to lease, appliances or equipment for the use of liquefied petroleum gas. The scope of work that may be performed by an Installer C does not include installing, servicing, altering, or modifying liquefied petroleum gas motor fuel system, liquefied petroleum gas equipment, appliances or systems on recreational vehicles, or liquefied petroleum gas containers or container assemblies. Any person desiring to become licensed as an Installer C must meet the requirements for licensure set forth in Sections 527.02, 527.0201, and 527.04, F.S., and submit FDACS-03509 (02/14), Liquefied Petroleum Gas Installer C (0408) License Application, as incorporated by reference in Rule 5F-11.004, F.A.C.

(c) Installer D is any person who is engaged in the liquefied petroleum gas business and whose services include installing, servicing, altering, or modifying apparatus, piping, tubing, tanks, and equipment to convert liquefied petroleum gas for use as a motor fuel. Any person desiring to become licensed as an Installer D must meet the requirements for licensure set forth in Sections 527.02, 527.0201, and 527.04, F.S., and submit FDACS-03514 (02/14), Liquefied Petroleum Gas Installer D (0603) License Application, as incorporated by reference in Rule 5F-11.004, F.A.C.

(d) Installer E is any person engaged in the liquefied petroleum gas business whose services include installing portable propane cylinders of no more than 40 lbs. water capacity at a consumer site for the purpose of fuel for outdoor appliances and equipment; servicing, altering, or modifying outdoor appliances, equipment, piping, or tubing to convey liquefied petroleum gas to such outdoor appliances or equipment and selling or offering to sell, leasing or offering to lease, outdoor appliances or equipment for the use of liquefied petroleum gas. The scope of work that may be performed by an Installer E does not include installing, serving, altering, or modifying liquefied petroleum gas motor fuel systems, liquefied petroleum gas equipment appliances or systems on recreational vehicles, permanently installed liquefied petroleum gas containers or container assemblies, or liquefied petroleum gas equipment, piping, appliances or systems installed in the interior of any permanent building or structure. Any person desiring to become licensed as an Installer E must meet the

requirements for licensure set forth in Sections 527.02, 527.0201, and 527.04, F.S., and submit FDACS-03531 (02/14), Liquefied Petroleum Gas Installer E (0405) License Application, as incorporated by reference in Rule 5F-11.004, F.A.C.

(e) Installer F is any person who is engaged in the liquefied petroleum gas business whose services include installing, servicing, altering, repairing, or modifying a propane-powered generator, or piping or tubing to convey liquefied petroleum gas to the generator, or selling or offering to sell such generators. Any person desiring to become licensed as an Installer F must meet the requirements for licensure set forth in Sections 527.02, 527.0201, and 527.04, F.S., and submit FDACS-03565 (02/14), Liquefied Petroleum Gas Installer F (0406) License Application, as incorporated by reference in Rule 5F-11.004, F.A.C.

(2) All applicants shall be tested as provided in Rule 5F-11.061, F.A.C., on the properties and characteristics of liquefied petroleum gas as well as the LP gas laws, rules, and regulations. The installation questions shall be based upon the specific type of examination the individual is applying to take for. The applicant must score a minimum of 75% or above on the installation sections as well as scoring a minimum of 75% or above on each area tested on the overall examination in order to pass.

Rulemaking Authority ~~527.01(11)~~, 527.06 FS. Law Implemented 527.01(11), 527.02(2), 527.0201, 527.04 FS. History—New 8-31-93, Formerly 4B-1.036, Amended 9-2-02,_____.

5F-11.013 Minimum Storage as Relates to Liquefied Petroleum Gas.

The following is explanatory of each of the two methods which may be used to comply with Section 527.11, F.S. (either of the two methods may be used):

(1) (See Section 527.11(1), F.S.): Erect a bulk storage filling plant of not less than 18,000 gallons (water capacity) within the state. Plans, ~~in triplicate and~~ in detail showing proposed location of the bulk storage container or containers, container charging area, loading and unloading facilities, vaporizers, pumps and compressors and other pertinent facilities shall be submitted to the Bureau of Liquefied Petroleum Gas Inspection for approval prior to erection. The plans shall bear the following statement, and such shall be attested to by signature of a responsible official of the licensee or qualified consumer:

“To be constructed and maintained in accordance with the provisions of NFPA No. 58, and other appropriate regulations.”

Signature

(2) (See Section 527.11 (2), F.S.): All dealers licensed as of August 31, 2000, and who have entered into a written

agreement with a wholesaler (supplier) that the wholesaler (supplier) will provide liquefied petroleum gas to said dealer for a period of twelve continuous months in order to comply with the Minimum Storage Law, specifically Section 527.11(2), F.S., shall certify such agreement by submitting FDACS-03505 (11/12), Minimum Storage, as incorporated by reference in Rule 5F-11.004, F.A.C., ~~in writing on forms provided by the Bureau of Liquefied Petroleum Gas Inspection~~ providing detailed information to include, but not be limited to, total bulk plant storage of wholesaler (supplier) and term length of the supply agreement. Such certification must be signed by responsible officials of the wholesaler (supplier). The wholesaler (supplier) shall give the Bureau of Liquefied Petroleum Gas Inspection thirty (30) ~~days~~ days written notice of cancellation of such supply agreement.

Rulemaking Authority 527.06 FS. Law Implemented 527.11 FS. History—New 8-7-80, Formerly 4A-1.13, Amended 7-18-85, Formerly 4B-1.10, Amended 10-8-86, 2-6-90, Formerly 4B-1.010, Amended 7-20-95, 9-5-01,_____.

5F-11.022 Marking of Containers; Posting of Owner Contact Information at Dealer Locations.

(1) through (2) No change.

(3) Failure to mark dealer-owned containers as prescribed in this rule shall result in the imposition of administrative penalties as provided in Rule 5F-11.080, F.A.C.

(4) Containers at dealer locations (bulk plants and remote storage sites) are not required to be marked with the name and telephone number of the owner as long as this information is prominently posted at the dealer location by signage having easily-readable numbers and letters of at least 4” in height. If the signage is posted in an outdoor location, such as on a perimeter fence, it must be constructed of weatherproof material.

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

5F-11.026 Unsafe Container or System.

(1)(a) Any system or container that fails to comply with Chapter 527, F.S., this rule chapter, and any standards incorporated by reference shall be designated unsafe by ~~department division~~ staff by means of attachment of a FDACS-03564 (02/14), Stop Use Order, as incorporated by reference in Rule 5F-11.004, F.A.C., also referred to as a “red tag.” Each red tag shall identify the container or system and indicate indicating the inspector’s name and the date of inspection, ~~where the violation creates an immediate threat to safety.~~

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

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

(3)(a) A red tag placed on a system or container shall not be removed until all violations inspection deficiencies have been corrected and the ~~department bureau~~ or its representative removes or authorizes removal of the red tag from the system or container.

(b) A system owner will be permitted to remove a red tag when department staff is not available to do so only after the department has acknowledged receipt of documentation or other evidence from the system owner or from another party verifying that all violations have been corrected. The red tag must be returned to the ~~department bureau~~ immediately upon removal.

(4) Using or operating any red-tagged container or system or removing a red tag without authorization of the department shall result in the imposition of administrative penalties as provided in Rule 5F-11.080, F.A.C.

Rulemaking Authority 527.06 FS. Law Implemented 527.06, 527.10 FS. History—New 3-15-94, Formerly 4B-1.037, Amended 7-20-95, _____.

5F-11.029 Inspection of DOT Cylinders.

(1) No change.

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, Annex C, of NFPA 58, as incorporated by reference in Rule 5F-11.002, F.A.C.

(b) through (h) No change.

(2) through (4) No change.

(5) Failure to inspect a stationary DOT cylinder as prescribed in this rule shall result in the imposition of administrative penalties as provided in Rule 5F-11.080, F.A.C.

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

5F-11.044 Out-of-gas, Leak Call, and Interrupted Service Procedure.

(1) Prior to filling an LP gas container in an out-of-gas situation, a licensed ~~supplier~~ of LP gas dealer shall:

(a) through (f) No change.

(2) No change.

(3) In instances involving the interruption of gas supply to a system, the following procedures shall be followed:

(a) The LP gas license holder or its employee shall check for leakage of the affected areas of the system in accordance with ~~Chapter 7~~ of NFPA 54, as adopted in Rule 5F-11.002, F.A.C.

(b) A leak test of the system as prescribed in Annex D of NFPA 54, as adopted in Rule 5F-11.002, F.A.C., must be performed and the results documented prior to placing the system back into service.

(c) No change.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 6-8-88, 2-6-90, 12-31-91, Formerly 4B-1.030, Amended 1-29-06, _____.

5F-11.045 Dispensing Units.

(1) In addition to the requirements of NFPA 58, as incorporated by reference in Rule 5F-~~11.002~~ 41.003, F.A.C., all LP gas vehicle fuel dispensers and dispensing stations shall:

(a) through (c) No change.

(2) through (5) No change.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97, 9-2-02, 1-29-06, _____.

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

(1) No person, firm, or corporation, other than the owner and those authorized by the owner, shall connect or disconnect any container cylinder, tank, or system containing liquefied petroleum gas, except in an out-of-gas situation, unless due and sufficient notice has been given by any person, firm, or corporation to the ~~owner owners~~ of the container or system any cylinder or tank, prior to disconnecting or connecting such container cylinder, tank, or system. Due and sufficient notice shall be received by the ~~owner owners~~ at least two (2) working days prior to installing the container cylinder, tank, or system of said person, firm, or corporation, and shall be evidenced by a signed receipt. Acceptable evidence of receipt of notification shall be a signed certified mail receipt, signed receipt of hand delivery, or facsimile transmission receipt. If, after two working days, the container cylinder, tank, or system has not been disconnected by the owner, the said person, firm, or corporation, may then disconnect downstream of the system regulator or meter. It shall be mandatory that the person, firm, or corporation who so disconnects any such container cylinder or tank, whether empty or full, upon the premises of a consumer, does so in a manner that renders the container cylinder or tank tight with valves turned off, the container cylinder or tank service valve plugged with brass or steel fittings, and all other container cylinder, tank, or system openings properly plugged. In addition, any container cylinder, tank, or system disconnected must be done so in a manner that is in compliance with the requirements of NFPA 58, as incorporated by reference in Rule 5F-11.002, F.A.C. Notices of disconnect shall expire after 30 days. If the container or system is not disconnected prior to the expiration of the disconnect

notice, a new notice of disconnect must be issued in compliance with the provisions of this rule.

(2) Connecting or disconnecting a container or system without providing due and sufficient notice as prescribed in this rule shall result in the imposition of administrative penalties as provided in Rule 5F-11.080, F.A.C.

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

(4)(3) ~~The owner of any All~~ disconnected ~~containers eylinder, tank,~~ or ~~systems system~~ must ~~be timely removed remove the cylinder or tank~~ from the premises of the consumer or end-user or must be timely and lawfully abandoned ~~within 30 working days after notification.~~ ~~Disconnected aboveground containers or systems must be removed or lawfully abandoned within ten (10) days after disconnect. Disconnected underground containers or systems must be removed or lawfully abandoned within 30 days after disconnect.~~ No person, firm or corporation, other than the owner and those authorized to do so, shall transport or carry by any means of conveyance whatsoever, any ~~container eylinder or tank~~ containing liquefied petroleum gas, whether in the liquid or vapor state.

(5) Failure to timely remove a disconnected container or system from the premises of the consumer or end-user or to timely and lawfully abandon the container or system shall result in the imposition of administrative penalties as provided in Rule 5F-11.080, F.A.C.

(6) Complaints from consumers, liquefied petroleum gas industry-members, agencies, or other entities concerning violations of this rule must be filed within 90 days of the violation's -occurrence.

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

5F-11.048 Storage of Cylinders Awaiting Use, Resale, or Exchange Cylinder Exchange Units.

(1) In addition to the requirements in NFPA 58, as incorporated by reference in Rule 5F-11.002, F.A.C. ~~In the interest of safety, all eylinder exchange units shall:~~ cylinders awaiting use, resale, or exchange at a location open to the public

shall be stored in storage units meeting the following requirements:

(a) ~~The unit shall be tamperproof. The exterior of the unit shall be constructed of metal and shall be lockable. The unit shall be ~~Be~~ locked when not attended;~~ In addition, the unit shall be ventilated to permit adequate air flow to allow for safe dispersal of leaking gas and to permit application of water to cool the cylinders in the event of leakage or fire. The unit may be constructed entirely of ventilated metal or a combination of ventilated metal and solid metal can be utilized, as long as over one-half of the unit's construction is ventilated;

(b) ~~Have the~~ The following signs shall be affixed to the front of the unit and all approachable sides: "Propane" or "Flammable Gas," and "No Smoking;" or the universally-recognized symbol for "no smoking." Signs shall not be faded or unreadable;

(c) ~~The unit shall be provided with Have~~ an approved 18 lb. minimum capacity dry chemical BC or ABC portable fire extinguisher readily available and within 50 feet of ~~for~~ the unit,; ~~and For~~ units with aggregate storage of less than 720 lbs. liquefied petroleum gas, if the public location is already required by any state or local law, rule, or regulation to have, and does have, an approved fire extinguisher of at least 10 lbs. minimum capacity on-site and readily available within 50 feet of the storage unit, the 18 lb. minimum capacity fire extinguisher is not required;

(d) ~~Have~~ The servicing dealer's name and emergency telephone numbers(s) shall be prominently posted on the front of the unit. For purposes of this rule, the "front" shall be the part of the unit most likely to be approached by the public;:-

(e)(2) ~~Cylinder exchange units must~~ The unit shall have adequate barriers to protect the unit from vehicular traffic where ~~necessary vehicle traffic normally can be expected and be~~ ~~vented both top and bottom.~~ For purposes of this rule, "adequate barriers" are defined as posts a minimum of three inches (3") in diameter constructed of steel pipe or its equivalent. Posts shall be a minimum of three feet (3') in height, shall be firmly anchored into the ground, set no more than four feet (4') apart, and shall be in a number sufficient to protect all areas of the unit exposed to possible contact by a vehicle. Other protective barriers may be used as long as they are of a type commonly utilized to provide protection from vehicular contact and provide an equivalent level of protection ~~Cylinder exchange units must be set on a secure, non-combustible base and must be located a minimum of five feet from any building opening or source of ignition~~ ~~Cylinder exchange units shall not be located within buildings;:- and~~

(f) The unit must be set on a secure, non-combustible base.

(2)(3) The maximum single cylinder size that may be stored in a ~~any eylinder exchange~~ unit is 45 lbs. pounds² liquefied petroleum gas capacity. ~~The aggregate liquefied~~

~~petroleum gas storage of any cylinder exchange unit shall not exceed 720 pounds' liquefied petroleum gas capacity. Multiple cylinder exchange units may be located adjacent to each other provided the aggregate storage does not exceed 720 pounds' liquefied petroleum gas capacity. Any combination of cylinder exchange units whose aggregate storage exceeds 720 lbs. liquefied petroleum gas capacity must be separated from each other by a minimum distance of 10 feet.~~

(3) Unless otherwise permitted by NFPA 58, storage units shall not be located within buildings frequented by the public. Units must be located a minimum of five feet from any of the following: vent, window that can be opened, crawlspace, hole, or other opening into or underneath a building; and any source of ignition. Units shall not be located less than ten feet from a doorway or other opening used for egress; however, if the building has more than one doorway or other opening used for egress that is readily available to the public (e.g., two separated front doors; a front door and any other exit door, including a back door), the distance between the unit and the doorway or opening is permitted to be reduced to five feet. Site plans outlining the location and set-up of units storing cylinders for resale or exchange shall be submitted prior to operation utilizing FDACS-03559 (02/14), Site Plan With No Fee, as incorporated by reference in Rule 5F-11.004, F.A.C. A site plan is not required for units storing cylinders for self-use only.

(4) Storage units for cylinder exchange or for resale shall not be located within five feet of a liquefied petroleum gas dispensing station.

(5) The aggregate liquefied petroleum gas storage of any single unit shall not exceed 720 lbs. liquefied petroleum gas capacity. Multiple units may be located adjacent to each other provided the aggregate storage does not exceed 720 lbs. liquefied petroleum gas capacity. Any combination of units whose aggregate storage exceeds 720 lbs. liquefied petroleum gas capacity must be separated from each other by a minimum distance of ten (10) feet.

(6) Storage of containers for use in motor fuel applications shall be in accordance with the provisions of NFPA 58, as incorporated by reference in Rule 5F-11.002, F.A.C., and shall not be subject to the requirements of this rule.

Rulemaking Authority 527.06 FS. Law Implemented 527.06(2) FS. History--New 2-5-91. Formerly 4B-1.035, Amended 7-20-95,

5F-11.060 Documentation of Training, General.

~~(1) Documentation of employee training, as required in Section 1-5, NFPA 58, and as adopted in Rule 5F-11.002, F.A.C., shall include the following:~~

- ~~(a) through (f) No change.~~
- ~~(2) No change.~~

Rulemaking Authority 527.02(4), ~~527.055~~, 527.06 FS. Law Implemented 527.02(4), 527.055, 527.06 FS. History--New 1-15-02, Amended _____.

5F-11.061 Qualifier and Master Qualifier Examinations; Applicant Qualifications.

(1) Applicants for examination for competency must submit FDACS-03504 (02/14), Examination Scheduling Request, as incorporated by reference in Rule 5F-11.004, F.A.C., along with the required non-refundable examination fee set forth in Section 527.0201(1), F.S. Applicants will be scheduled for the next-available examination administration at the site designated by the applicant on this form.

~~(2)(4)~~ As evidence of reasonable competency and qualification, Master Qualifier applicants must be a Category I Liquefied Petroleum LP Gas Dealer or LP Gas Installer qualifier and shall have a minimum of one year's verifiable practical experience in the liquefied petroleum gas industry within the ten (10) years immediately preceding submission of the application for Master Qualifier examination. Acceptable Practical experience ~~is defined as~~ shall include work with a liquefied petroleum gas company where the applicant performed and which activities that fall within one or more of the following categories:

(a) through (f) No change.

~~(3)(2)~~ Each applicant for Master Qualifier examination shall provide documentation to the department certifying eligibility as a Master Qualifier for a licensed Category I Liquefied Petroleum LP Gas Dealer or LP Gas Installer in the ~~s~~State of Florida. Documentation shall be provided by submitting on department form FDACS-03527, (02/14), entitled Master Qualifier Declaration of Eligibility, as incorporated by reference in Rule 5F-11.004, F.A.C. effective December 1, 2001, and incorporated herein by reference, and shall include the following:

(a) through (d) No change;

(e) Verification of ~~e~~Employment with a licensed Category I Liquefied Petroleum LP Gas Dealer or LP Gas Installer;

(f) Copy of the applicant's applicants examination qualification card as a Category I Liquefied Petroleum LP Gas Dealer or LP Gas Installer qualifier.

~~Copies of this form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399 1650.~~

Rulemaking Authority ~~527.02(4), 527.0201, 527.055~~, 527.06 FS. Law Implemented ~~527.02(4), 527.0201~~, 527.055, 527.06 FS. History--New 1-15-02, Amended _____.

5F-11.062 Approved Courses of Continuing Education.

(1) Courses, which cover one or more of the following topics, shall be approved for continuing education credit as required in Section 527.0201, F.S., Florida Statutes, for Category I Liquefied Petroleum LP Gas Dealer Qualifiers, LP Gas Installer Qualifiers, and Master Qualifiers:

- (a) through (b) No change.
- (c) Gas emergency procedures, fire protection, or risk management planning.
- (d) through (i) No change.

(2) ~~Sixteen~~ Twelve hours of continuing education during the three-year period must be attained in order for the qualifier or master qualifier to renew certification. Continuing education credits will be granted on an hour-for-hour basis for up to four ~~(4)~~ 4 hours credit per class. For each 16 ~~12~~ hours of continuing education credits, a minimum of two hours shall be from items (a), (b), or (c) in subsection (1) above.

(3) No change.

Rulemaking Authority ~~527.02(2), (4)(e), 527.0201, 527.055, 527.06 FS. Law Implemented 527.02(2), (4)(e), 527.0201, 527.055, 527.06 FS. History-New 1-15-02, Amended _____.~~

5F-11.064 Renewal of Qualifier and Master Qualifier Certificates.

(1) In order to renew their qualification, all Category I Liquefied Petroleum LP Gas Dealer qualifiers, LP Gas Installer qualifiers and Master Qualifiers shall submit a renewal fee, renewal application and documentation of a minimum of 16 12 continuing education hours using one of the following department forms as appropriate: FDACS-03569 (02/14), Qualifier/Master Qualifier LP Gas Dealer (0601) Renewal Application, as incorporated by reference in Rule 5F-11.004, F.A.C.; FDACS-03572 (02/14), Qualifier/Master Qualifier LP Gas Installer (0803) Renewal Application, as incorporated by reference in Rule 5F-11.004, F.A.C.; FDACS-03573 (02/14), Qualifier LP Gas Dealer (0601) Renewal Application, as incorporated by reference in Rule 5F-11.004, F.A.C.; or FDACS-03570 (02/14), Qualifier LP Gas Installer (0803) Renewal Application, as incorporated by reference in Rule 5F-11.004, F.A.C. DACS 03530, entitled Master Qualifier/Qualifier Renewal Form, effective December 1, 2001, and incorporated herein by reference, in order to renew their qualification. This form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N., Tallahassee, Florida 32399-1650. The renewal fee, as prescribed in s. Section 527.02, F.S., is \$20 for each Category I Liquefied Petroleum LP Gas Dealer qualifier and LP Gas Installer qualifier, and \$30 for each Master Qualifier. Additionally, each person designated as Master Qualifier for a license holder must submit documentation of eligibility on document form by submitting FDACS-03527, (02/14), entitled

Master Qualifier Declaration of Eligibility, as incorporated by reference in Rule 5F-11.004, F.A.C., effective December 1, 2001, incorporated herein by reference, as a manager, owner, or person otherwise primarily responsible for overseeing the operations of the licensed location. ~~The Master Qualifier Declaration of Eligibility form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N., Tallahassee, Florida 32399-1650.~~

(2) No change.

Rulemaking Authority ~~527.02(2), (4)(e), 527.0201, 527.055, 527.06 FS. Law Implemented 527.02(2), (4)(e), 527.0201, 527.055, 527.06 FS. History-New 1-15-02, Amended _____.~~

5F-11.065 Re-examination Examination Procedures.

An applicant who fails any part of an examination is eligible to ~~may be re-examined~~ reexamined on those parts failed. The applicant must submit FDACS-03504 (02/14), Examination Scheduling Request, as incorporated by reference in Rule 5F-11.004, F.A.C., upon reapplication and payment of the applicable non-refundable required examination fee as set forth in either Section 527.0201(1) or Section 527.0201(5)(a), F.S., for the type of examination being taken. Re-examinations Reexaminations must be completed within 90 calendar days of the original examination; however, no examinee is permitted to may retake the failed examination more than two times within the 90-day period. If the applicant does not successfully complete and obtain a passing grade on the examination re-take within the 90-day period, the examinee shall be given a failing grade. After a 30-day period, the applicant must may reapply to retake the entire examination by submitting FDACS-03504 (02/14), Examination Scheduling Request, as incorporated by reference in Rule 5F-11.004, F.A.C., along with the required non-refundable examination fee referenced above.

Rulemaking Authority 527.055, 527.06 FS. Law Implemented 527.02(2), (4)(a), 527.055, 527.06 FS. History-New 1-15-02, Amended _____.

5F-11.066 Reporting of Qualifier and Master Qualifier Vacancies.

For purposes of Section 527.0201(6), F.S., vacancies in a Qualifier or Master Qualifier position resulting from the departure of the Qualifier or Master Qualifier shall be reported to the department in writing by the Qualifier or Master Qualifier and the licensed company no later than two working days following the day on which the Qualifier or Master Qualifier departed from, or was no longer working at or associated with, the licensed business location. Such notice shall be submitted to the Bureau of LP Gas Inspection by mail to the Department of Agriculture and Consumer Services, 2005 Apalachee Parkway, Mail Stop R-8, Tallahassee, Florida 32399-6500 or by facsimile transmission or e-mail notification at the following fax number and e-mail address: (850)921-1612;

QualifierVacancyNotice@ FreshFromFlorida.com. Qualifiers and Master Qualifiers transferring to another licensed business location shall notify the bureau of the transfer by submitting FDACS-03555 (02/14), Qualifier/Master Qualifier Position Location Transfer Request, as incorporated by reference in Rule 5F-11.004, F.A.C.

Rulemaking Authority 527.06 FS. Law Implemented 527.0201(6), 527.055, 527.06 FS. History–New _____.

5F-11.078 Facility Inspection Report; Vehicle Inspection Report; Notice of Required Correction; Failure to Correct.

(1) The department will provide a FDACS-03522 (02/14), Facility Inspection Report, as incorporated by reference in Rule 5F-11.004, F.A.C., or FDACS-03529 (02/14), Vehicle Inspection Report, as incorporated by reference in Rule 5F-11.004, F.A.C., as applicable, to the owner or operator of any facility, building, system, equipment, vehicle, or premises inspected by the department pursuant to Section 527.061, F.S. The FDACS-03522 (02/14), Facility Inspection Report or FDACS-03529 (02/14), Vehicle Inspection Report shall note any law, rule, or code violations or deficiencies found and will provide a time frame for correction, if appropriate. If no violations are present, the FDACS-03522 (02/14), Facility Inspection Report or FDACS-03529 (02/14), Vehicle Inspection report shall so indicate. The department shall issue a notice of required correction indicating the date after which re-inspection will occur and notifying the responsible party or parties that penalties may be imposed pursuant to Rule 5F-11.080, F.A.C., for failure to timely correct the deficiencies noted in an inspection report. A copy of the FDACS-03522 (02/14), Facility Inspection Report or FDACS-03529 (02/14), Vehicle Inspection Report shall be included with the notice of required correction.

(2) If additional time is required in which to correct code violations or deficiencies noted in a FDACS-03522 (02/14), Facility Inspection Report, as incorporated by reference in Rule 5F-11.004, F.A.C., or FDACS-03529 (02/14), Vehicle Inspection Report, as incorporated by reference in Rule 5F-11.004, F.A.C., the facility or vehicle owner or operator must submit a request for extension. All such requests shall be in writing and must be received by the department prior to the expiration of the time frame for correction stated in the report. The request for extension will only be granted if the reason for additional time is due to events beyond the control of the owner/operator and if the owner/operator has made a good-faith effort to comply within the original time period provided. If an extension request is granted, written approval will be provided to the facility or vehicle owner or operator by the department which will reflect the new date by which deficiencies shall be corrected.

(3) Unless otherwise specified in this rule chapter, failure to correct law, rule, or code deficiencies identified in a FDACS-03522 (02/14), Facility Inspection Report, as incorporated by reference in Rule 5F-11.004, F.A.C., or FDACS-03529 (02/14), Vehicle Inspection Report, as incorporated by reference in Rule 5F-11.004, F.A.C., and included in a notice of required correction within the time period specified shall result in imposition of penalties as provided in Rule 5F-11.080, F.A.C.

(4) The department shall affix a decal to any container, storage unit, liquefied petroleum gas system, or liquefied petroleum gas equipment or device to indicate that it has been inspected pursuant to s. 527.061, F.S. The decal shall be affixed in a manner that ensures it can be easily read by the public, but shall not obstruct other information on the inspected item intended to provide important information to the public, such as the owner's contact information or information regarding propane safety. Decals shall only be removed, replaced, or altered by department personnel.

Rulemaking Authority 527.06 FS. Law Implemented 527.06, 527.061, 527.12, 527.13, 527.14 FS. History–New _____.

5F-11.080 Enforcement Actions and Administrative Penalties.

(1) This rule sets forth the guidelines the department will follow in imposing the penalties and enforcement actions authorized under Sections 527.13 and 527.14, F.S. The purpose of the guidelines is to give notice of the range of penalties which normally will be imposed for a single violation within a three (3) year period. The three-year period shall be based on the date of the last administrative enforcement action imposed for the same violation. These guidelines list aggravating and mitigating factors that, if present, will reduce or increase penalties to be imposed. No aggravating factors will be applied to increase a fine imposed for a single violation above the statutory maximum of \$3,000 per violation. The guidelines in this rule chapter are based upon a single count violation of each provision listed. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine an overall total penalty and will be grounds for enhancement of penalties.

(2) The department will enforce compliance with Chapter 527, F.S., and this rule chapter by issuing an administrative complaint, a stop use order (red-tag), or an immediate final order, including a cease and desist order, for violations of Chapter 527, F.S., and this rule chapter, and for violations of codes adopted pursuant to Rule 5F-11.002, F.A.C.

(3) Stop Use Orders. The department shall issue a FDACS-03564 (02/14), Stop Use Order, as incorporated by reference in Rule 5F-11.004, F.A.C., whenever necessary to effectuate the statutory duties of the department in the interests of public health, safety, and welfare and to promote public safety where

the installation, operation, maintenance, or condition of a liquefied petroleum gas container or system, including a cylinder storage unit, fails to comply with the codes adopted in Rule 5F-11.002, F.A.C., or with any provision of Chapter 527, F.S., or this rule chapter.

(4) Rule Not All-Inclusive. This rule contains illustrative violations. It does not, and is not intended to encompass all possible violations of statute or department rule that might be committed by any person. The absence of any violation from this rule chapter shall in no way be construed to indicate that the violation does not cause harm to the public or is not subject to a penalty. In any instance where the violation is not listed in this rule chapter, the penalty will be determined by consideration of:

(a) The closet analogous violation, if any, that is listed in this rule chapter; and

(b) The mitigating or aggravating factors listed in this rule.

(5) Aggravating and Mitigating Factors. The department will consider aggravating and mitigating factors in determining penalties for violations of Chapter 527, F.S., and this rule chapter. Aggravating factors shall warrant the adjustment of any fine imposed upward by an additional amount equal to 50% of the fine amount and mitigating factors shall warrant the adjustment of the fine downward by reducing the fine by 50%. In no event shall a fine exceed the statutory maximum as outlined in Section 527.13, F.S. If a warning letter is imposed for an initial violation, a second violation within a three-year period shall result in a \$250 fine. Both aggravating and mitigating factors, if present, shall be applied against each single count of the listed violation regardless of whether the violation is a minor violation or a major violation as described in paragraphs 5F-11.080(9)(a) and (b), F.A.C. =

(a) Aggravating Factors:

1. The violation caused, or has the potential to cause, serious injury to a person.

2. The violation endangered the public safety or welfare.

3. Previous violations within the preceding three years for the same or a similar offense that resulted in imposition of administrative penalties, issuance of a warning letter, or suspension or revocation of license.

4. The violation occurred for more than 24 hours with the violator's knowledge.

5. The violator impeded, or otherwise failed to cooperate with, the department's inspection or investigation.

6. Previous disciplinary actions within the preceding three years against the violator involving any violation of Chapter 527, F.S., or Rule Chapter 5F-11, F.A.C.

7. The violator's prior knowledge of Chapter 527, F.S., and Rule Chapter 5F-11, F.A.C.

8. Whether the violation resulted from negligence or an intentional act.

9. The cost of the enforcement action.

10. The benefit to the violator.

(b) Mitigating Factors:

1. Any documented efforts by the violator at rehabilitation, including, but not limited to, successful completion of training courses directly related to the offense committed.

2. Whether intentional actions of another party prevented the violator from complying with the applicable laws, rules, or regulations.

3. Financial hardship.

4. Acts of God or nature that impaired the ability of the violator to comply with Chapter 527, F.S., or Rule Chapter 5F-11, F.A.C.

5. The violation has a low risk of, or did not result in, harm to the public health, safety, or welfare.

6. The violator took affirmative or corrective action within twenty-four hours of receiving written notification of the violation.

7. The disciplinary history within the prior three years of the person committing the violation.

8. If a repeat violation, whether three or more years have passed since the prior violation.

9. If the violation involves failure to timely provide documentation of employee training, demonstration by the employee that he is capable of successfully performing the activity addressed in the training.

(6) The provisions of this rule chapter shall not be construed so as to prohibit or limit any other civil or criminal prosecution that may be brought.

(7) In addition to the penalties established in this rule, the department reserves the right to seek to recover any other costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law. Additionally, the department reserves the right to seek to recover any costs, penalties, attorney's fees, court costs, service fees, and collection costs resulting from a payment that is returned for insufficient funds to the department.

(8) Notice of noncompliance. Any department investigation or inspection that reveals minor violations of this rule chapter for which the department has reason to believe that the violator was unaware of the rule or unclear as to how to comply with it, will result in the issuance of a notice of noncompliance as the department's first response to the violation. The following shall be considered minor violations for which a notice of noncompliance shall be issued for the first occurrence only:

(a) Lack of proper signage;

(b) Propane containers in need of paint;

(c) Failure to remove or maintain weeds, grass, or vegetation growing around containers;

(d) Minor corrosion issues; or

(e) Storage of combustibles too close to a container.

(9) Warning Letter. In lieu of an administrative fine or other penalty, a warning letter shall be issued to the license holder, master qualifier, qualifier, or any person for a first violation of any of the following:

(a) Conducting LP gas activities as defined in Section 527.01, F.S., under the Category III, Category IV, Manufacturer of liquefied petroleum gas appliances and equipment, or Dealer in appliances and equipment for use of liquefied petroleum gas licensure categories, including while any licensure application is pending, where the unlicensed activity did not contribute to or cause an LP-gas related accident.

(b) Conducting LP gas activities without insurance as required in Sections 527.02 and 527.04, F.S., including conducting LP gas activities after insurance coverage has expired or has been cancelled, but only where the required insurance was obtained no more than thirty (30) days after the uninsured LP gas activity occurred, or insurance coverage expired or was cancelled.

(c) Failure to mark dealer-owned containers in service in a legible manner with the name and phone number of the owner.

(d) Failure to maintain or make immediately available to the department upon request employee training records.

(10) Violations. For the purposes of imposing the penalties and enforcement actions provided for in Sections 527.13 and 527.14, F.S., violations shall be designated as either "minor" or "major".

(a) Minor Violations. A violation of Chapter 527, 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 imposition of a fine of up to \$1,000 depending upon the violation committed. The following violations shall be considered minor violations:

1. A subsequent violation of any of the violations enumerated in subsections (8) or (9), above, within a three-year period.

2. Failure to timely notify the department of a loss of qualifier or master qualifier in violation of Section 527.0201, F.S.

3. Connecting or disconnecting a container or system without due and sufficient notice as required under Rule 5F-11.047, F.A.C.

4. Failure to timely remove or lawfully abandon a disconnected container or system from the premises of the consumer or end-user in accordance with Rule 5F-11.047, F.A.C.

5. Except as otherwise stated in (9)(a), above, conducting LP gas activities as defined in Section 527.01, F.S., without a license, including while any licensure application is pending, or while the license is inoperative because of failure to renew, or

conducting LP gas activities after the qualification status of the duly-designated Qualifier or Master Qualifier has expired, where the unlicensed activity did not contribute to or cause an LP-gas related accident.

6. Any violation involving LP gas found during a department accident investigation that contributed to the accident, but was not a direct cause of the accident, and resulted in the following:

a. Personal injury not requiring professional medical treatment; or

b. Property damage of \$25,000 or less.

7. Conducting LP gas activities without insurance as required in subsections 527.02 and 527.04, F.S., including conducting LP gas activities after insurance coverage has expired or has been cancelled, where the required insurance was obtained more than thirty (30) days after the uninsured LP gas activity occurred, or insurance coverage expired or was cancelled.

8. Failure to correct non-hazardous law, rule, or code deficiencies identified in a FDACS-03522 (02/14), Facility Inspection Report, as incorporated by reference in Rule 5F-11.004, F.A.C., or FDACS-03529 (02/14), Vehicle Inspection Report, as incorporated by reference in Rule 5F-11.004, F.A.C., and included in a notice of required correction, within the time period specified.

9. Falsification of records relating to application for, or renewal of, qualifier or master qualifier status, including but not limited to misrepresentation of eligibility, of position within the licensed company, or place of full-time employment.

10. Failure to perform and/or document the following periodic testing required on propane cargo vehicles within the time frames prescribed in Title 49, Code of Federal Regulations, as referenced in NFPA 58, adopted in Rule 5F-11.002, F.A.C.:

a. Annual external visual and leak test;

b. Five-year cargo vessel pressure test;

c. Monthly delivery hose inspection; or

d. Monthly emergency shut-off valve test.

11. Failure to provide local emergency response personnel with emergency contacts for after-hour emergencies, failure to post emergency numbers on the premises, or failure to relay messages on emergency answering services or machines within time frames as required by Section 527.065(3), F.S.

12. Failure to timely notify the department of any accident meeting the criteria of Section 527.065, F.S.

13. Selling, filling, refilling, delivering, or using an LP gas container for any gas or compound, or for any other purpose, without permission of the owner, in violation of Section 527.07, F.S.

14. Installing a bulk storage container without first obtaining the department's approval of a written site plan or

placing a bulk storage container into operation prior to obtaining inspection and approval as required by Section 527.0605, F.S.

15. Failure to inspect a stationary DOT cylinder as required by Rule 5F-11.029, F.A.C.

16. Filling a cylinder with an expired requalification date, filling a “non-refillable” cylinder, filling a cylinder without conducting an appropriate visual inspection, or filling a cylinder that fails one or more of the visual inspection criteria in NFPA 58, as incorporated by reference in Rule 5F-11.002, F.A.C.

17. Continuing a cylinder in service that is not in accordance with DOT regulations or that fails to meet one or more of the visual inspection criteria in NFPA 58, as incorporated by reference in Rule 5F-11.002, F.A.C., including a cylinder with an expired requalification date.

18. Conducting metered sales of LP gas without an active temperature compensating device as required by NIST Handbook 130, as adopted by Rule 5F-7.005, F.A.C.

Failure to document any procedure or activity required to be documented by Chapter 527, F.S., or this rule chapter, or any code adopted pursuant to either Chapter 527, F.S., or this rule chapter.

19. Unauthorized removal of a red tag, where the system or equipment was not utilized or operated after the red tag was initially applied.

(b) Major Violations. A violation of Chapter 527, 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. Depending upon the violation committed, major violations shall result in the imposition of an administrative fine of from \$1,000 up to \$3,000, suspension or revocation of the license as prescribed in Section 527.14, F.S., or any of the foregoing, as prescribed in Section 527.13, F.S. The following violations shall be considered major violations:

1. Any violation involving LP gas found during a department accident investigation that contributed to the accident, but was not a direct cause of the accident, and resulted in property damage exceeding \$25,000.

2. Any violation involving LP gas found during a department accident investigation, regardless of whether the violation was or was not a direct cause of the accident, that contributed to the accident and resulted in the following:

a. Loss of human life; or

b. Personal injury requiring professional medical treatment.

3. Any violation involving LP gas found during a department accident investigation that contributed to and was a direct cause of the accident, and that resulted in property damage exceeding \$2,500.

4. Transportation of propane cylinders in violation of the requirements of NFPA 58, as incorporated by reference in Rule 5F-11.002, F.A.C.

5. Knowingly or intentionally conducting LP gas activities without a license following issuance of written notice from the department regarding the lack of licensure, including licensure that has expired due to nonrenewal.

6. Knowingly or intentionally conducting LP gas activities without insurance coverage following issuance of written notice from the department regarding the lack of insurance.

7. Failure to conduct a leak test in a new piping system, or in an out-of-gas or interrupted service situation, as required by NFPA 54, as incorporated by reference in Rule 5F-11.002, F.A.C., and by Rule 5F-11.044, F.A.C.

8. Intentional alteration, modification, or disabling of any component in an LP gas system, including the container and its appurtenances, that renders the equipment out of compliance with Chapter 527, F.S., this rule chapter, or any applicable code adopted in Rule 5F-11.002, F.A.C., or renders it inoperable, or otherwise prevents it from functioning as intended by the equipment manufacturer.

9. Failure to install LP gas appliances, piping, or equipment in accordance with manufacturer’s instructions or applicable safety codes.

10. Failure to install, disconnect, and/or store LP gas containers in accordance with applicable rules and safety codes.

11. Failure to follow proper fill procedures, other than visual inspection requirements, including overfilling of propane containers.

12. Failure to respond to a verifiable leak call within twenty-four hours or failure to physically respond to an emergency within two (2) hours when contacted by an emergency response unit, as required by Sections 527.065(4) and 527.065(5), F.S.

13. Use or operation of red-tagged equipment or systems, including transport vehicles.

14. Failing to correct within thirty (30) days, any hazardous law, rule, or code deficiencies identified in a FDACS-03522 (02/14), Facility Inspection Report, as incorporated by reference in Rule 5F-11.004, F.A.C., or FDACS-03529 (02/14), Vehicle Inspection Report, as incorporated by reference in Rule 5F-11.004, F.A.C., and included in a notice of required correction.

15. Endangering the public by knowingly or intentionally operating LP gas equipment, including equipment transporting an LP gas container containing product, in a reckless manner. Rulemaking Authority 120.569, 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

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

(1) Nothing in this rule chapter shall prohibit the department and person charged with a violation from resolving violations prior to administrative hearing, or from entering into settlement pursuant to Section 120.57(4), F.S. The department is authorized to utilize all available remedies to ensure compliance including administrative action, civil actions and referrals for criminal prosecution. The cost of any enforcement proceeding may be added to any penalty imposed. The department shall enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and as authorized by Chapter 120, F.S. or Chapter 527, F.S.

(2) Failure to respond to an administrative complaint shall result in the entry of a Default Final Order against the violator or entity responsible for the violation. The department shall impose administrative fines in a Default Final Order up to the maximum amount allowable under Section 527.13, F.S.

(3) A failure to comply with either a Final Order or a Default Final Order of the department shall result in license revocation and enforcement of additional penalties as prescribed in Chapter 527, F.S.

Rulemaking Authority 527.06 FS. Law Implemented 527.06, 527.08, 527.09, 527.12, 527.13, 527.14 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tom A. Steckler, Division Director

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 06, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 7, 2013

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-6.001	Purpose
5M-6.002	Approved BMPS
5M-6.003	Presumption of Compliance
5M-6.004	Notice of Intent to Implement
5M-6.005	Record Keeping
5M-6.006	Previously Submitted Notices of Intent to Implement

PURPOSE AND EFFECT: The purpose of this rule is to effect agricultural nonpoint source pollutant reduction in Florida through the implementation of Best Management Practices to ensure that agricultural discharges have minimal individual or cumulative adverse impacts to state water resources.

SUMMARY: This rule deletes Rule 5M-6.001 (Purpose) which is superfluous, and revises existing rules to establish a procedure for Florida nursery operations to submit a Notice of Intent (NOI) which contains water quality and quantity Best Management Practices (BMPs) applicable to their operation. Submittal of the NOI to the Florida Department of Agriculture and Consumer Services and implementation of identified BMPs that have been verified effective by the Florida Department of Environmental Protection provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), Florida Statutes, for those pollutants addressed by the practices. This rulemaking also provides that records maintained by the participant confirming the implementation of BMPs are subject to inspection.

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: 1) none of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered and 2) based on past experiences with voluntary Best Management Practices implementation activities and costs, if any, they would not exceed the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes.

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: 403.067(7)(c)2., 570.07(10), (23) FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)617-1705 or FAX: (850)617-1701

THE FULL TEXT OF THE PROPOSED RULE IS:

5M-6.001	Purpose	
<u>5M-6.001</u>	5M-6.002	Approved BMPs
<u>5M-6.002</u>	5M-6.003	Presumption of Compliance
<u>5M-6.003</u>	5M-6.004	Notice of Intent to Implement
<u>5M-6.004</u>	5M-6.005	Record Keeping
<u>5M-6.005</u>	5M-6.006	Previously Submitted Notices of Intent to Implement

~~5M-6.001 Purpose.~~

Rulemaking Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History—New 5-31-06, Amended 8-2-07, Repealed _____.

~~5M-6.001~~ ~~5M-6.002~~ Approved BMPs.

The manual titled Water Quality/Quantity Best Management Practices for Florida ~~Container~~ Nurseries (Edition 2014 ~~2007~~, DACS-P-01267) is hereby incorporated and adopted by reference in this rule for participating nursery growers statewide. Copies of the document may be obtained from the University of Florida ~~County~~ Cooperative Extension Service ~~county~~ offices or from the Florida Department of Agriculture and Consumer Services (FDACS) Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, FL 32301 or accessed online at <http://www.flrules.org/Gateway/reference>.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), (23) FS. Law Implemented 403.067(7)(c)2. FS. History—New 5-31-06, Amended 8-2-07, _____.

~~5M-6.002~~ ~~5M-6.003~~ Presumption of Compliance.

Pursuant to Section 403.067(7)(c)3., F.S., implementation of best management practices (BMPs), in accordance with FDACS rules, that which have been verified by the Florida Department of Environmental Protection as effective in reducing ~~target~~ pollutants addressed by the practices provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those ~~target~~ pollutants addressed by the practices. In order to qualify for a ~~obtain the~~ presumption of compliance and release from Section 376.307(5), F.S., the applicant must:

~~(1) Conduct a comprehensive assessment of the subject properties, as provided in the manual, to determine which BMPs are applicable;~~

~~(2)(2) Submit a Notice of Intent to Implement, as provided outlined in Rule 5M-6.003 ~~5M-6.004~~, F.A.C., that identifies the applicable BMPs applicable to the subject properties;~~

~~(2)(3) Implement all applicable BMPs in accordance with the timeline requirements in Rule 5M-6.003, F.A.C. identified in the Notice of Intent to Implement; and,~~

~~(3)(4) Maintain documentation to verify the implementation and maintenance of the identified BMPs.~~

Rulemaking Authority 403.067(7)(c)2., 570.07(10), (23) FS. Law Implemented 403.067(7)(c)2. FS. History—New 5-31-06, Amended 8-2-07, _____.

~~5M-6.003~~ ~~5M-6.004~~ Notice of Intent to Implement.

(1) A Notice of Intent (NOI) to Implement applicable BMPs and the accompanying BMP checklist, both of which are in the Water Quality/Quantity Best Management Practices for Florida Nurseries (Edition 2014, DACS-P-01267), hereby incorporated and adopted by reference, shall be submitted to FDACS, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301. The NOI to Implement Water Quality/Quantity Best Management Practices for Florida Nurseries (DACS-01349, Rev. 11/13), hereby adopted and incorporated by reference, may be obtained from FDACS or accessed online at <http://www.flrules.org/Gateway/reference>.

~~(2)(1) The NOI~~ ~~Such Notice of Intent~~ shall include:

~~(a) The practices the applicant will implement, which the applicant shall identify as provided in the manual. The identified practices shall include the nutrient management practices listed in the manual that are applicable to the operation covered by the Notice of Intent. These nutrient management practices shall be initiated as soon as practicable after submittal of the Notice of Intent;~~

~~(a)(b) The name of the property owner, the location of the property, and the property tax ID number(s), and any or other pertinent property identification information;~~

~~(c) A timeline for implementation of each practice identified;~~

~~(b)(4) The amount of gross acreage on which BMPs each practice will be implemented;~~

~~(c)(e) The name and contact information of a person to contact; an authorized representative; and~~

~~(d)(f) The signature of the owner, lease holder, or an authorized agent; and,~~

(e) A BMP checklist with a schedule for implementation, as contained in the Water Quality/Quantity Best Management Practices for Florida Nurseries (Edition 2014, DACS-P-01267), hereby incorporated and adopted by reference. The applicant shall select the applicable BMPs by following the instructions in this document. All applicable BMPs must be implemented as soon as practicable, but no later than 18 months after submittal of the NOI.

~~(3)(2) Once the NOI is filed, the Notice of Intent to Implement shall enable the applicant is eligible to apply for cost-share assistance with implementation.~~

Rulemaking Authority 403.067(7)(c)2., 570.07(10), (23) FS. Law Implemented 403.067(7)(c)2. FS. History—New 5-31-06, Amended 8-2-07, _____.

~~5M-6.004~~ ~~5M-6.005~~ Record Keeping.

~~BMP~~ All participants must keep records for a period of at least five years ~~preserve sufficient documentation to document and confirm~~ implementation and maintenance of the practices identified in the NOI, Notice of Intent to Implement. All documentation is subject to inspection.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), (23) FS. Law Implemented 403.067(7)(c)2. FS. History—New 5-31-06, Amended 8-2-07, _____.

~~5M-6.005~~ ~~5M-6.006~~ Previously Submitted Notices of Intent to Implement.

In order to retain a presumption of compliance with state water quality standards, ~~N~~nursery growers who have submitted an NOI and BMP checklist ~~Notice of Intent to Implement~~ for the Water Quality/Quantity Best Management Practices for Florida Container Nurseriesy BMP Guide (Edition 2007, DACS-P-01267 March 2006) and implement and document the identified BMPs and any additional or revised applicable BMPs under this rule, are deemed to meet the requirements of the rule. prior to the effective date of this rule must either:

(1) Submit a new NOI and BMP checklist and implement the identified BMPs, pursuant to Rules 5M-6.001, F.A.C., through 5M-6.004, F.A.C., or

(2) Continue to implement and maintain records on the BMPs identified on the BMP checklist previously submitted and, within 18 months of the effective date of this rule, implement the practices listed below that are applicable to the operation, if any, and maintain documentation:

- (a) BMP 1A.2.13 Watering station practices.
- (b) BMP 2.1.1 Wetland buffers.
- (c) BMP 2.4.2 Annual inspection of wellheads.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), (23) FS. Law Implemented 403.067(7)(c)2. FS. History—New 8-2-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Budell, Director, Office of Agricultural Water Policy
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner, Department of Agriculture and Consumer Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2014
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 26, 2013

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.013	Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, seeks to amend the rules listed above to implement Section 215.555, Florida Statutes.

SUMMARY: Rule 19-8.013, F.A.C., establishes the process for issuance of revenue bonds under Section 215.555(6), F.S. The proposed amendments conform the rule to legislation that changed the name of the Florida Hurricane Catastrophe Fund Finance Corporation to the State Board of Administration Finance Corporation, and to make other editorial changes. Rule 19-8.029, F.A.C., relates to insurer reporting requirements. The proposed amendments adopt the Data Call and other applicable reporting requirements for the 2014-2015 contract year, revise the rule and forms to provide for online reporting of exposure, and clarify the treatment of certain mixed-use structures. Rule 19-8.030, F.A.C., specifies insurer loss reporting, exposure reporting, and examination requirements. The proposed amendments adopt the examination instruction forms applicable to the 2014-2015 contract year, require online loss reporting, and address implementation of the online reporting system.

OTHER RULES INCORPORATING THESE RULES: There are no other rules which incorporate these three rules. However, Rule 19-8.029, F.A.C., is referenced in Rules 19-8.028 and 19-8.030, F.A.C., as follows: paragraph 19-8.028(2)(f), F.A.C., Reimbursement Premium Formula, and paragraphs 19-8.030(3)(i), (j), (k), (n), subsections (6) and (11), F.A.C., Insurer Responsibilities.

EFFECT ON THOSE OTHER RULES: There is no impact on the two rules which reference Rule 19-8.029, F.A.C.

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: Upon review of the proposed changes to these two rules and the incorporated forms, the State Board of Administration of Florida has determined that neither rule meets the requirements for ratification by the legislature. The changes to these rules do not have an adverse impact on small business and do not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within 1 year of implementation. The changes to these rules also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business

competitiveness or innovation or increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of either rule. 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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10) FS.

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

DATE AND TIME: March 31, 2014, 9:00 a.m. (ET) to conclusion of meeting

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

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 7 days before the workshop/meeting by contacting: Leonard E. Schulte, Florida Hurricane Catastrophe Fund, 1801 Hermitage Boulevard, Tallahassee, FL 32308, (850)413-1335, leonard.schulte@sbafla.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leonard Schulte at the number or email listed above.

THE FULL TEXT OF THE PROPOSED RULES ARE:

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

(1) through (2)(g) No change.

(h) Corporation means the State Board of Administration Florida Hurricane Catastrophe Fund Finance Corporation created by Section 215.555(6)(d), F.S.

(i) through (q) No change.

(3) Limitations on the Fund's Liability. The Fund's liability under the Reimbursement Contracts for Covered Events in a Contract Year is determined pursuant to Sections 215.555(4)(c)1., ~~215.555(16)(e)4., (g) and 215.555(17)(g), (h),~~ F.S.

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

2. Except as required by Section 215.555(7)(c), F.S., or as described in the following ~~two~~ sentences, Reimbursement Premiums, together with earnings thereon, received in a given Contract Year will be used only to pay for losses attributable to Covered Events occurring in that Contract Year or for losses

attributable to Covered Events in subsequent Contract Years and will not be used to pay for past losses or for debt service on tax-exempt post-event revenue bonds. ~~Amounts collected during the Contract Year 2006/2007 as part of the premium that are attributable to the required 25% rapid cash buildup factor, pursuant to by Section 215.555(5)(b), F.S., may be used to pay for losses attributable to prior Contract Years.~~ Pursuant to Section 215.555(6)(a)1., F.S., Reimbursement Premiums, and earnings thereon may be used for payments relating to tax-exempt post-event revenue bonds in the event Emergency Assessments are insufficient. If Reimbursement Premiums are used for debt service on tax-exempt post-event revenue bonds, then the amount of the Reimbursement Premiums, or earnings thereon so used shall be returned, without interest, to the Fund when Emergency Assessments or other legally available funds remain available after making payments relating to such revenue bonds and any other purposes for which Emergency Assessments were levied.

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

(d) ~~Lines of Business Subject to Assessment.~~

~~1. The following lines of business described in subparagraph 2., below, are the lines of business subject to the Emergency Assessment under Section 215.555(6)(b)1., F.S. For ease of reference, the lines of business are identified are written and listed as they appear on the Exhibit of Premiums and Losses in the property and casualty annual statement of the National Association of Insurance Commissioners required to be filed by authorized insurers pursuant to Section 624.424, F.S., whether or not the insurer is required to file such exhibit. However,~~

~~2. Assessable Lines: Note that the numbers below preceding the names of the lines of business do not correspond to the line numbers of the property and casualty annual statement referenced in subparagraph 1., immediately above.~~

~~1.a.~~ Fire.

~~2.b.~~ Allied Lines.

~~3.c.~~ Multiple Peril Crop.

~~4.d.~~ Farmowners Multiple Peril.

~~5.e.~~ Homeowners Multiple Peril.

~~6.f.~~ Commercial Multiple Peril (non-liability).

~~7.g.~~ Commercial Multiple Peril (liability).

~~8.h.~~ Mortgage Guaranty.

~~9.i.~~ Ocean Marine.

~~10.j.~~ Inland Marine.

~~11.k.~~ Financial Guaranty.

~~12.l.~~ Medical Malpractice (Medical Malpractice insurance premiums are subject to certain time limited exemptions, refer to Section 215.555, F.S., for those limitations).

~~13.m.~~ Earthquake.

~~14.n.~~ Other Liability.

~~15.o.~~ Products Liability.

- ~~16.p.~~ Private Passenger Auto No-Fault.
- ~~17.q.~~ Other Private Passenger Auto Liability.
- ~~18.r.~~ Commercial Auto No-Fault.
- ~~19.s.~~ Other Commercial Auto Liability.
- ~~20.t.~~ Private Passenger Auto Physical Damage.
- ~~21.u.~~ Commercial Auto Physical Damage.
- ~~22.v.~~ Aircraft (all perils).
- ~~23.w.~~ Fidelity.
- ~~24.x.~~ Surety.
- ~~25.y.~~ Burglary and Theft.
- ~~26.z.~~ Boiler and Machinery.
- ~~27.aa.~~ Credit.
- ~~28.bb.~~ Warranty.
- ~~29.aa.~~ Aggregate Write Ins for Other Lines of Business.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-18-97, Amended 12-3-98, 9-12-00, 6-1-03, 5-19-04, 5-29-05, 5-10-06, 9-5-06, 6-8-08, 3-30-09, 3-30-10, 8-8-10, _____.

19-8.029 Insurer Reporting Requirements.

(1) Purpose. The purpose of this rule is to incorporate and adopt the annual reporting of insured values and the Loss Reporting Forms, to provide the time and place for submission of this required information and to address confidentiality of information provided to the Florida Hurricane Catastrophe Fund (~~FHCF or Fund~~).

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Citizens Property Insurance Corporation or Citizens means the entity formed under Section 627.351(6), F.S., and includes both the Coastal Account and the Personal Lines and Commercial Lines Accounts.

(b) Commutation Period means that period of time which is not less than 36 months or more than 60 months after the end of the Contract Year during which the loss occurrence took place. The Reimbursement Contract, adopted and incorporated into Rule 19-8.010, F.A.C., may provide for voluntary commutation earlier than the 36 month period under certain circumstances.

(c) Contract Year means the time period which begins at 12:00:01 Eastern Time on June 1 of each calendar year and ends at 12:00 p.m. midnight on May 31 of the following calendar year.

(d) Covered Policy is defined in Section 215.555(2)(c), F.S., and in the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.

(e) Data Call or Florida Hurricane Catastrophe Fund Data Call means the annual reporting of insured values Fform FHCF-D1A.

(f) FHCF or Fund means the Florida Hurricane Catastrophe Fund.

(g) Independent Consultant means the independent individual, firm, or organization with which the State Board of Administration of Florida (Board) contracts to prepare the premium formula and any other actuarial services for the FHCF, as determined under the contract with the consultant.

(h) Loss Reporting Forms mean the FHCF-L1A, ~~and FHCF-L1B, and FHCF-DCL~~.

(i) New Participants means insurers which are granted a certificate of authority by the Department of Financial Services after the beginning of the FHCF’s Contract Year on June 1 and which write Covered Policies, or which already have a certificate of authority and begin writing Covered Policies on or after the beginning of the FHCF’s Contract Year on June 1 and did not or were not required to enter into a contract on June 1 of the Contract Year. A Company that enters into an assumption agreement with Citizens that includes Covered Policies and is effective on or after June 1 and had written no other Covered Policies on or before June 1 is also considered a New Participant.

~~(j)(4)~~ Office of Insurance Regulation means that office within the Department of Financial Services and which was created in Section 20.121(3), F.S.

(3) Reporting of Insurer Exposure Data.

(a) No later than September 1 of each Contract Year, authorized insurers and Citizens pursuant to Sections 215.555(5) and 627.351(6), F.S., shall report, online, insured values reflecting wind exposure under Covered Policies by zip code and other relevant factors required to reflect each insurer’s relative exposure to hurricane loss, valued as of June 30 of the current Contract Year, as required under the Data Call. Such other relevant factors shall be determined by the Independent Consultant consistent with principles of actuarial science and in conjunction with the development of the premium formula.

(b) Confidentiality of reports containing insured values under Covered Policies. Section 215.557, F.S., enacted for the express purpose of protecting trade secret and proprietary information submitted to the FHCF by participating insurers, protects the confidentiality of information of the type submitted in the Data Call, examination workpapers, and examination reports. Such information is not subject to the provisions of Section 119.07(1), F.S., or Section 24(a), Article I of the Florida State Constitution. Confidential data and trade secrets reported to the FHCF are protected to the extent allowed by law.

(c) Reporting Regarding Insurers Withdrawing from the State or Discontinuing the Writing of All Kinds of Insurance Prior to June 30 of Each Year. Insurers which discontinue writing insurance in Florida and have no remaining Covered Policy exposure as of June 30 of each Contract Year are required to petition for exemption from the Fund pursuant to Rule 19-8.012, F.A.C. Insurers which withdraw from the Florida insurance market prior to June 30 and have no

remaining Covered Policy exposure as of that date shall not participate in the Fund. The affected insurer shall provide written evidence obtained from the Office of Insurance Regulation that it has surrendered its certificate of authority and currently has no outstanding Covered Policies in force. Nothing in this rule shall be construed to conflict with the requirements of Section 624.430(1), F.S.

(d) Online reporting ~~The requirement that the report is due by September 1 (or by the alternative date applicable to New Participants as outlined in subsection (4) below); this means that the report shall be received by the Board in the physical possession of the Fund's Administrator in Minneapolis no later than 4:00 5:00 p.m., Eastern Central Time, on September 1. If September 1 is a Saturday, Sunday or legal holiday, then the applicable due date will be the day immediately following September 1 which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative.~~ Reports sent to the FHCF Administrator in Minneapolis, Minnesota Board in Tallahassee, Florida, will be returned to the sender. Reports not in the physical possession of the Board Fund's Administrator by 4:00 5:00 p.m., Eastern Central Time, on the applicable due date are late.

(4) Data Call Forms.

~~(a) For the 2009/2010 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2009 Data Call," rev. 05/09, hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.~~

~~(a)(b) For the 2010/2011 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2010 Data Call," rev. 05/10, hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in subsection (8)(6) below. A New Participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.~~

~~(b)(e) For the 2011/2012 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2011 Data Call," rev. 01/11, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00413> hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in subsection (8)(6) below. A New Participant writing covered policies on or after June 1 but prior to~~

December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

~~(c)(d) For the 2012/2013 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2012 Data Call," rev. 01/12, <http://www.flrules.org/gateway/reference.asp?No=Ref-01193> hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in subsection (8)(6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator. For the 2012/2013 Contract Year, a New Participant had the option of reporting its actual exposure as of November 30 of the Contract Year on or before February 1 of the Contract Year.~~

~~(d)(e) For the 2013/2014 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2013 Data Call," rev. 02/13, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02333>, is hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in subsection (8)(6) below. A New Participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of November 30 of the Contract Year on or before February 1 of the Contract Year to the Administrator.~~

~~(e) For the 2014/2015 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2014 Data Call," rev. XX/14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>, hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in subsection (8) below. A New Participant writing Covered Policies on or after June 1 but prior to December 1, shall report its actual exposure as of November 30 of the Contract Year on or before February 1 of the Contract Year.~~

(5) Loss Reimbursement Reporting Requirements.

(a) As directed by the Board, after a covered event occurs, insurers shall report all their estimated ultimate net losses (as defined in the Reimbursement Contract, adopted and incorporated into Rule 19-8.010, F.A.C.) for Covered Policies on the Form FHCF-L1A, "Florida Hurricane Catastrophe Fund Interim Loss Report," for the applicable Contract Year, as specified in subsection (6) herein, in no less than fourteen days from the date of the notice from the Board that such a report is required. The Board may request subsequent Interim Loss Reports. To obtain copies of this form, see subsection (8)(6), below. Prompt reporting in the format requested will aid the

Board in determining whether to seek additional sources of funds to pay for reimbursable losses. The losses reported on the Interim Loss Report are expected to result from a good faith effort, using best business practices for the insurance industry, on the part of the insurer to report as accurately as possible. Preliminary reports will not be binding. Reimbursements by the Fund will be made on the basis of the Proof of Loss Report, adopted in subsection (6)(b) below.

(b) Insurers shall report their ultimate net losses for each loss occurrence on the Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," for the applicable Contract Year, as specified in subsection (6)(7) herein. To obtain copies of this form, see subsection (8)(6), below. ~~To qualify for reimbursement, the Proof of Loss Report must have the original signatures of two executive officers authorized by the Company to sign the report. Proof of Loss Reports may be faxed only if the Company does not qualify for a reimbursement.~~ While a Company may submit a Proof of Loss Report requesting reimbursement at any time following a loss occurrence, all Companies shall submit a mandatory Proof of Loss Report for each loss occurrence no earlier than December 1 and no later than December 31 of the Contract Year during which the Covered Event(s) occurs using the most current data available, regardless of the amount of Ultimate Net Loss or the amount of loss reimbursements or advances already received. After the mandatory December Proof of Loss Report, quarterly Proof of Loss Reports are required. For purposes of this rule, quarterly Proof of Loss Reports shall be those reports submitted at each quarter end date after December 31 of the Contract Year in which the loss occurrence occurs and continuing until all claims and losses resulting from loss occurrences commencing during the Contract Year are fully discharged, including any adjustments to such losses due to salvage or other recoveries, in accordance with the reporting requirements in this paragraph. "Fully Discharged" means the earlier of the date on which the insurer has paid its policyholders in full or the commutation clause, in Article X of the Reimbursement Contract takes effect. For the quarterly report due on March 31, any insurer whose losses exceed 50% of its FHCF retention for a specific loss occurrence shall submit a Proof of Loss Report for that loss occurrence. For the quarterly report due on June 30, any insurer whose losses exceed 75% of its FHCF retention for a specific loss occurrence shall submit a Proof of Loss Report for that loss occurrence. For the quarterly reports due on September 30 and thereafter, any insurer which anticipates that its losses will exceed its FHCF retention for a specific loss occurrence shall submit quarterly Proof of Loss Reports until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. Annually, all Companies shall submit a mandatory year-end Proof of Loss Report for each loss occurrence, using the most current data available. This Proof of

Loss Report shall be filed no earlier than December 1 and no later than December 31 of each year and shall continue until the earlier of the expiration of the ~~Ce~~ommutation ~~P~~eriod or until all claims and losses resulting from the loss occurrence are fully discharged including any adjustments to such losses due to salvage or other recoveries.

(c) ~~Companies must submit the FHCF-L1A, Interim Loss Report, and FHCF-L1B, Proof of Loss Report electronically using the FHCF Online Claims System (available at www.sbafla.com/fhcf under Insurer Information, Online Claims). The Online Claims System will require an online signoff of one executive officer for an Interim Loss Report submission and two executive officers for a Proof of Loss Report submission. Officers performing the signoffs must be registered users. Advance registration is required to use the Online Claims System; instructions are included within the system.~~

(d)(e) ~~When required, Companies must submit a D~~etailed ~~C~~elaims ~~L~~isting to support the losses reported in the ~~FHCF-L1A, Interim Loss Report (excluding incurred but not reported losses) and the FHCF-L1B, Proof of Loss Report the same time it submits its first Proof of Loss Report for a specific Covered Event that qualifies the Company for reimbursement under that Covered Event and should be prepared to supply a detailed claims listing for any subsequent Proof of Loss Report upon request.~~ The requirements and instructions for the ~~D~~etailed ~~C~~elaims ~~L~~isting are outlined in Form FHCF-DCL, "Detailed Claims Listing Instructions," for the applicable Contract Year, as specified in subsection (6)(7) herein. ~~If the Company submits its Proof of Loss Reports electronically through the FHCF's Online Claims System at www.sbafla.com/fhcf, T~~he ~~D~~etailed ~~C~~elaims ~~L~~isting, when required, must be uploaded through the FHCF Online Claims System available at www.sbafla.com/fhcf under Insurer Information, Online Claims, at the same time as ~~the may be attached to the Company's Proof of Loss Report submission. A Detailed Claims Listing is required:~~

1. At the same time a Company submits its first Proof of Loss Report for a specific Covered Event that qualifies the Company for reimbursement under that Covered Event;

2. Annually with the mandatory year-end Proof of Loss Report as required in subparagraph (b) above;

3. Upon notice from the Board of an upcoming loss reimbursement examination (to accompany an updated Proof of Loss Report);

4. Upon request of the Board in support of any other filed Proof of Loss Report; and

5. Upon request of the Board in support of an Interim Loss Report.

(e)(4) As a result of reports submitted on Form FHCF-L1B, Proof of Loss Report, reimbursements to insurers shall be adjusted in accordance with Section 215.555(4)(d)1., F.S.,

which requires the Fund to pay additional amounts to insurers and insurers to return overpayments to the Fund, based on the most recent calculation of losses.

~~(6) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota, MN 55437, or from the FHCF website www.sbafla.com/fhcf.~~

~~(6)(7) Loss Reporting Forms.~~

(a) For the 2005/2006 and earlier Contract Years the applicable Interim Loss Report is that form that was in effect for the Contract Year as reflected by the revision date on the form. For example, the applicable Interim Loss Report for the Contract Year 2004-2005 is the FHCF-L1A, with the revision date of 05/04.

~~(b) For the 2012/2013 Contract Year, the applicable Interim Loss Report is the "Contract Year 2012 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1A, rev. 01/12, <http://www.flrules.org/gateway/reference.asp?No=Ref-01194>, which is hereby adopted and incorporated by reference into this rule. The applicable Proof of Loss Report is the "Contract Year 2012 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1B, rev. 01/12, <http://www.flrules.org/gateway/reference.asp?No=Ref-01195>, which is hereby adopted and incorporated by reference into this rule. The forms may be obtained from the Fund's Administrator at the address stated in subsection (6) above.~~

~~(b)(e) For the 2013/2014 Contract Year, the applicable Interim Loss Report is the "Contract Year 2013 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1A, rev. 02/13, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02334>, which is hereby adopted and incorporated by reference into this rule. The applicable Proof of Loss Report is the "Contract Year 2013 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1B, rev. 02/13, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02335>, which is hereby adopted and incorporated by reference into this rule. The applicable Detailed Claims Listing Instructions is the "Contract Year 2013 Detailed Claims Listing Instructions," FHCF-DCL, 02/13, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02338>, which is hereby adopted and incorporated by reference into this rule. These forms may be obtained from the Fund's Administrator at the address stated in subsection (6) above.~~

(c) For the 2014/2015 Contract Year, the applicable Interim Loss Report is the "Contract Year 2014 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1A, rev. XX/14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, which is hereby adopted and incorporated by reference into this rule. The applicable Proof of

Loss Report is the "Contract Year 2014 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1B, rev. XX/14,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>, which is hereby adopted and incorporated by reference into this rule. The applicable Detailed Claims Listing Instructions is the "Contract Year 2014 Detailed Claims Listing Instructions," FHCF-DCL, XX/14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>, which is hereby adopted and incorporated by reference into this rule.

~~(7)(8) Company Contact Information: Companies must submit Form FHCF C-1, Company Contact Information, rev. XX/14 05/10, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, which is hereby adopted and incorporated by reference into this rule, by March 1 preceding June 1 of each Contract Year. A New Participant must submit Form FHCF C-1 within 30 calendar days of writing its first Covered Policy. This form must be updated by the Company as the information provided thereon changes. The FHCF shall have the right to rely upon the information provided by the Company to the FHCF on this form until receipt by the FHCF of a new properly completed and notarized Form FHCF C-1 from the Company. The form may be obtained from the Fund's Administrator at the address stated in subsection (6) above.~~

(8) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, MN 55437, or from the FHCF website www.sbafla.com/fhcf. Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7), (15) FS. History—New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 5-10-06, 5-8-07, 6-8-08, 3-30-09, 8-2-09, 3-29-10, 8-8-10, 7-20-11, 5-22-12, 3-17-13, _____.

19-8.030 Insurer Responsibilities.

(1) through (3)(h) No change.

(i) Data Call or Florida Hurricane Catastrophe Fund Data Call means the annual reporting of insured values Form FHCF-D1A as adopted and incorporated into Rule 19-8.029, F.A.C.

(j) Detailed Claims Listing means Form FHCF-DCL, as adopted and incorporated into Rule 19-8.029, F.A.C., outlining the file required to be created in support of losses reported to the FHCF in the Form FHCF-L1A, Interim Loss Report, or Form FHCF-L1B, Proof of Loss Report.

(k) Interim Loss Report means Form FHCF-L1A, as adopted and incorporated into Rule 19-8.029, F.A.C.

~~(l)(j) Office of Insurance Regulation means that office within the Department of Financial Services and which was created in Section 20.121(3), F.S.~~

~~(m)(k) Participating Insurer, Insurer or Company means an insurer which writes Covered Policies in this state and which~~

has entered into a Reimbursement Contract with the Board, pursuant to Section 215.555(4)(a), F.S.

(n) Proof of Loss Report means Form FHCF-L1B, as adopted and incorporated into Rule 19-8.029, F.A.C.

(o)(4) Reimbursement Contract or Contract means the statutorily required annual contract, adopted and incorporated into Rule 19-8.010, F.A.C., which provides coverage to Participating Insurers for losses to covered property during a Covered Event.

(p)(m) Reimbursement Premium or Premium means the premium determined by multiplying each \$1,000 of insured value reported by the Company in accordance with Section 215.555(5), F.S., by the rate as derived from the premium formula as described in Rule 19-8.028, F.A.C.

(q)(n) Quota Share Primary Insurance Arrangement is defined in Section 627.351(6)(c)2.a.(I), F.S.

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

~~(d) Optional coverages authorized by law must be chosen by current participants by executing and returning the applicable Addenda to the Reimbursement Contract of the relevant Contract Year by the date required. New Participants choosing optional coverage must execute and return the applicable Addenda to the Reimbursement Contract for the relevant Contract Year prior to the time in which a covered loss occurs and within 30 days of writing its first covered policy. Any current or New Participant failing to meet these deadlines shall not be eligible for such optional coverage.~~

(5) No change.

(6) Loss Reporting Requirements. Participating Insurers must report loss data in accordance with the requirements outlined in Article X of the Reimbursement Contract adopted by, and incorporated into, Rule 19-8.010, F.A.C., and outlined in Rule 19-8.029, F.A.C. Insurers are required to file Interim Loss Reports, Proof of Loss Reports, and Detailed Claims Listings through the FHCF Online Claims System available at www.sbafla.com/fhcf under Insurer Information, Online Claims. These forms may be obtained from the Fund's Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota 55437.

(7)(6) Premiums.

(a) through (d) No change.

(8)(7) Examination Requirements. A Company is required to prepare and retain its Data Call submission an examination file in accordance with the specifications outlined in the Data Call instructions and a Detailed Claims Listing to support losses reported on the Proof of Loss Report, or on an Interim Loss Report if requested by the FHCF. Such records must be retained until the FHCF has completed its examination of a Company's exposure submission and any loss reports applicable to the Data Call Contract Year and commutation for

the Contract Year (if applicable) has been concluded. ~~The records provided for examination must be from the examination file as originally prepared unless a subsequent resubmission was sent to the FHCF.~~ Note that both Citizens and Insurers participating in Quota Share Primary Insurance Arrangements must keep complete and accurate records, including copies of policy declaration pages and supporting claims documents, for the purpose of exposure and loss reimbursement examinations by the FHCF.

(a) No change.

~~1. For the 2004/2005 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Audit – Contract Year 2004 Advance Preparation Instructions," FHCF-LAP1, rev. 5/04. The applicable loss examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2004 Advance Preparation Instructions," FHCF-LAP1, 05/06.~~

~~1.2.~~ For the 2005/2006 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2005 Advance Preparation Instructions," FHCF-LAP1, rev. 5/05. The applicable loss examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2005 Advance Preparation Instructions," FHCF-LAP1, rev. 05/07.

~~2.3.~~ For the 2009/2010 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2009 Advance Preparation Instructions," FHCF-EAP1, rev. 05/09, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02310>. The applicable loss examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2009 Advance Preparation Instructions," FHCF-LAP1, rev. 05/09, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02312>.

~~3.4.~~ For the 2010/2011 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2010 Advance Preparation Instructions," FHCF-EAP1, rev. 05/10, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02311>. The applicable loss examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2010 Advance Preparation Instructions," FHCF-LAP1, rev. 05/10, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02313>.

~~4.5.~~ For the 2011/2012 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination –

Contract Year 2011 Advance Preparation Instructions,” FHCF-EAP1, rev. 01/11, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00416>. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2011 Advance Preparation Instructions,” FHCF-LAP1, rev. 01/1, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00417>.

~~5.6.~~ For the 2012/2013 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2012 Advance Preparation Instructions,” FHCF-EAP1, rev. 01/12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01191>. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2012 Advance Preparation Instructions,” FHCF-LAP1, rev. 01/12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01192>.

~~6.7.~~ For the 2013/2014 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2013 Advance Preparation Instructions,” FHCF-EAP1, rev. 02/13, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02337>. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2013 Advance Preparation Instructions,” FHCF-LAP1, rev. 02/13, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02336>.

7. For the 2014/2015 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2014 Advance Preparation Instructions,” FHCF-EAP1, rev. XX/14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2014 Advance Preparation Instructions,” FHCF-LAP1, rev. XX/14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

8. These forms are hereby adopted and incorporated by reference into this rule. Copies of these forms may be obtained from the FHCF website: www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, Florida 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308.

(b) On-site Examination Record Requirements: The FHCF-EAP1, “Exposure Examination Advance Preparation Instructions” ~~form~~ and the FHCF-LAP1, “Loss Reimbursement Examination Advance Preparation Instructions” ~~form~~ each

contain a list of the information that the Companies must have available, on-site, on the date the exposure or loss examination is to begin. These records must be made available to the FHCF examiner upon request.

(8)(c) through (8)(d) No change.

~~(8) Loss Reporting. Participating Insurers are required to file the following two types of loss reports at the times prescribed in Rule 19-8.029, F.A.C. Form FHCF L1A, “Florida Hurricane Catastrophe Fund Interim Loss Report,” for the applicable Contract Year and Form FHCF L1B, “Florida Hurricane Catastrophe Fund Proof of Loss Report,” for the applicable Contract Year as adopted in Rule 19-8.029, F.A.C. These forms may be obtained from the Fund’s Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota 55437.~~

(9) through (10) No change.

(11) Company Contact Information: Companies must submit Form FHCF-C1, Company Contact Information, as adopted and incorporated into Rule 19-8.029, F.A.C., by March 1 preceding June 1 of each Contract Year to the FHCF Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota 55437. A New Participant must submit Form FHCF-C1 within 30 calendar days of writing its first Covered Policy. This form must be updated by the Company as the information provided thereon changes. The FHCF shall have the right to rely upon the information provided by the Company to the FHCF on this form until receipt by the FHCF of a new properly completed and notarized Form FHCF C-1 from the Company.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-13-03, Amended 5-19-04, 5-29-05, 5-10-06, 5-8-07, 8-13-07, 6-8-08, 3-30-09, 3-29-10, 8-8-10, 7-20-11, 5-22-12, 3-17-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration of Florida

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 24, 2014

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.130 RULE TITLE: Home Health Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.130, F.A.C., is to incorporate by reference the

Florida Medicaid Home Health Services Coverage and Limitations Handbook, _____.

SUMMARY: The amendment clarifies existing personal care services, private duty nursing, and prior authorization for home health services language.

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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, Florida Statutes, the rule will not require legislative ratification.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.908, 409.9081, 409.912, 409.913 FS.

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

DATE AND TIME: Monday, March 31, 2014, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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: Claire Anthony-Davis at the Bureau of Medicaid Services, (850)412-4266. 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: Claire Anthony-Davis, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4266, e-mail: claire.davis@ahca.myflorida.com

Please note that a preliminary draft of the reference material, if available, will be posted prior to the public hearing at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Comments will be received until 5:00 p.m. on Monday, April 7, 2014.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.130 Home Health Services.

(1) This rule applies to all providers of home health services who are enrolled in agencies licensed under Chapter 400, Part III, Florida Statutes, and certified by the Agency for Health Care Administration for participation in the Florida Medicaid program for home health care.

(2) All providers of home health services agency providers enrolled in the Florida Medicaid program must be in compliance with provisions of the Florida Medicaid Home Health Services Coverage and Limitations Handbook, _____ ~~March 2013~~, incorporated by reference. The handbook is available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then ~~on~~ Provider Handbooks. ~~Paper copies of the handbook may be obtained by calling the Provider Services Contact Center at 1-800-289-7799 and selecting Option 7.~~

~~(3) When terminating, reducing, or denying private duty nursing or personal care services, Medicaid will provide written notification to the recipient or the recipient's legal guardian. The notice will provide information and instructions regarding the recipient's right to request a hearing.~~

~~(3)(4)~~ The following forms are included in the Florida Medicaid Home Health Services Coverage and Limitations Handbook and are incorporated by reference: ~~Appendix B~~, Medicaid Instructions for CMS Form 485 – Plan of Care, AHCA Form 500-3544, April 2013; ~~Appendix B~~, Home Health Certification and Plan of Care, Form CMS-485(C-3)(02-94) (Formerly HCFA-485), ~~July 2008~~; ~~Appendix C~~, Authorization for Private Duty Nursing Provided by a Parent or Legal Guardian, AHCA Form 5000-3541, February 2013; ~~Appendix D~~, Physician Visit Documentation Form, AHCA ~~Med Serv~~ Form 5000-3502, Revised February 2013; ~~Appendix E~~, Parent or Legal Guardian Medical Limitations, AHCA ~~Med Serv~~ Form 5000-3501, Revised February 2013; ~~Appendix F~~, Parent or Legal Guardian Work Schedule, AHCA ~~Med Serv~~ Form 5000-3503, Revised February 2013; ~~Appendix G~~, Parent or Legal Guardian Statement of Work Schedule, AHCA ~~Med Serv~~ Form 5000-3504, Revised February 2013; ~~Appendix H~~, Parent or Legal Guardian School Schedule, AHCA ~~Med Serv~~ Form 5000-3505, Revised _____ February 2013; ~~Appendix I~~, Instructions for the Personal Care Services Plan of Care, AHCA Form 5000-3506, Revised _____ April 2013; ~~Appendix J~~, ~~Medicaid~~ Physician's Written Prescription for Home Health Services, AHCA ~~Med Serv~~ Form 5000-3525, Revised February 2013; ~~Appendix K~~, Review Criteria for Private Duty Nursing

Services, AHCA Form 5000-3543, Revised ~~April 2013~~; and Appendix L, Review Criteria for Personal Care Services, AHCA Form 5000-3542, Revised ~~April 2013~~. The forms are available by photocopying them from the handbook.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03, 10-30-07, 12-29-08, 6-25-12, 6-25-13.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Claire Anthony-Davis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2013

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-42.100	Scope
62-42.200	Definitions
62-42.300	Minimum Flows and Levels and Recovery and Prevention Strategies

PURPOSE AND EFFECT: The purpose of the proposed Rules 62-42.100, 62-42.200, and 62-42.300, F.A.C., is to establish and adopt Minimum Flows and Levels (MFLs) for water bodies in Florida. Specifically, in Rule 62-42.100, the Department proposes for adoption a scope identifying the purposes of the rule chapter and recognizing that recovery and prevention strategies may contain non-regulatory provisions to be included in the applicable district water supply plans. Rule 62-42.200 proposes for adoption technical definitions necessary to understand the other rules in the chapter (specifically, proposed Rule 62-42.300, F.A.C.), including the definitions of a Flow Duration Curve and a Flow Duration Frequency. Rule 62-42.300 proposes for adoption MFLs for the Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs.

SUMMARY: By Board resolution, Suwannee River Water Management District requested that the Department adopt the MFLs for Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs. DEP adopted MFLs are effective in all districts without the need for further rulemaking. This proposed rule establishes a new rule chapter for Department-adopted MFLs and sets out the MFLs for the Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs. When it has been determined that a water body has fallen below, or is projected to fall within 20 years below, an adopted MFL, the Department must simultaneously approve the recovery or

prevention strategy required by Section 373.0421(2), F.S., and paragraph 62-40.473(5), F.A.C. Therefore, the Department has proposed for adoption a regulatory strategy to be implemented during an initial phase of recovery, including provisions relating to existing permittees, renewal applicants, modification applicants, and new users. Specifically, new uses of water, whether by new users or by requests for increased allocations, must offset their impacts to the MFL water bodies. Users' existing allocated quantities are found consistent with this recovery strategy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will 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 been prepared by the Agency.

A SERC has been prepared for Rule 62-42.300, F.A.C. A SERC was not required for Rules 62-42.100 and 62-42.200. A copy of the SERC may be obtained online at <http://www.dep.state.fl.us/water/waterpolicy/mflrulemaking.htm>.

The Agency has determined that the proposed rule is 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: Rule 62-42.300 is expected to require legislative ratification. Rules 62-42.100 and 62.42.200 did not require a SERC because they set forth only scope and definitions and do not have independent regulatory effect.

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: 373.026(7), 373.036(1)(d), 373.043, 373.171 FS.

LAW IMPLEMENTED: 373.023, 373.026, 373.033, 373.036(1)(d), 373.0391, 373.0395, 373.042, 373.046, 373.0831, 373.086, 373.103, 373.106, 373.171, 373.175, 373.185, 373.1961, 373.223, 373.246, 373.250, 373.418, 373.451, 373.453, 403.0615(3), 403.064, 403.0891 FS., Ch. 2002-296, s. 38, Laws of Florida.

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

DATE AND TIME: April 3, 2014, 10:00 a.m.

PLACE: Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060

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: Janet Llewellyn, Janet.Llewellyn@dep.state.fl.us, (850)245-3139. 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: Janet Llewellyn, Janet.Llewellyn@dep.state.fl.us, (850)245-3139

THE FULL TEXT OF THE PROPOSED RULE IS:

62-42.100 Scope.

(1) The purpose of this chapter is to set forth Department-adopted minimum flows and levels (MFLs) and the regulatory provisions of any required related recovery or prevention strategy as provided in Section 373.042 (4), F.S.

(2) The Department recognizes that recovery and prevention strategies may contain both regulatory and non-regulatory provisions. The non-regulatory provisions are not included in this rule, and will be included in the applicable regional water supply plans approved by the appropriate districts pursuant to Section 373.0421(2) and Section 373.709, F.S.

Rulemaking Authority 373.026(7), 373.036(1)(d), 373.043, 373.171 FS, Law Implemented 373.023, 373.026, 373.033, 373.036(1)(d), 373.0391, 373.0395, 373.042, 373.0421, 373.0831, 373.086, 373.103, 373.106, 373.171, 373.175, 373.185, 373.1961, 373.223, 373.246, 373.250, 373.418, 373.451, 373.453, 403.0615(3), 403.064, 403.0891 FS., Ch. 2002-296, s. 38, Laws of Florida. History—New _____.

62-42.200 Definitions.

When used in this chapter, the following words shall have the indicated meanings unless the rule indicates otherwise:

(1) Flow Duration Curve means a plot of magnitude of flow versus percent of time the magnitude of flow is equaled or exceeded.

(2) Flow Duration Frequency means the percentage of time that a given flow is equaled or exceeded.

Rulemaking Authority 373.026(7), 373.036(1)(d), 373.043, 373.171 FS, Law Implemented 373.023, 373.026, 373.033, 373.036(1)(d), 373.0391, 373.0395, 373.042, 373.046, 373.0831, 373.086, 373.103, 373.106, 373.171, 373.175, 373.185, 373.1961, 373.223, 373.246, 373.250, 373.418, 373.451, 373.453, 403.0615(3), 403.064, 403.0891 FS., Ch. 2002-296, s. 38, Laws of Florida. History—New _____.

62-42.300 Minimum Flows and Levels and Recovery and Prevention Strategies.

The Department hereby establishes the following minimum flows and levels in accordance with Section 373.042, F.S.

(1) Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs: The minimum surface water flows for the Lower Santa Fe and Ichetucknee River and Associated Priority Springs are provided below:

(a) The minimum surface water flows for the Lower Santa Fe at the Santa Fe River near Ft. White, FL are the following points on the flow duration curve:

1. 3,101 cubic feet per second (cfs) for a flow duration frequency of five percent;

2. 2,523 cubic feet per second (cfs) for a flow duration frequency of 10 percent;

3. 1,768 cubic feet per second (cfs) for a flow duration frequency of 25 percent;

4. 1,214 cubic feet per second (cfs) for a flow duration frequency of 50 percent;

5. 920 cubic feet per second (cfs) for a flow duration frequency of 75 percent;

6. 749 cubic feet per second (cfs) for a flow duration frequency of 90 percent;

7. 672 cubic feet per second (cfs) for a flow duration frequency of 95 percent;

(b) The minimum surface water flows for the Ichetucknee River at U.S. Highway 27 are the following points on the flow duration curve:

1. 473 cubic feet per second (cfs) for a flow duration frequency of five percent;

2. 448 cubic feet per second (cfs) for a flow duration frequency of 10 percent;

3. 386 cubic feet per second (cfs) for a flow duration frequency of 25 percent;

4. 343 cubic feet per second (cfs) for a flow duration frequency of 50 percent;

5. 318 cubic feet per second (cfs) for a flow duration frequency of 75 percent;

6. 282 cubic feet per second (cfs) for a flow duration frequency of 90 percent;

7. 246 cubic feet per second (cfs) for a flow duration frequency of 95 percent;

(c) The minimum surface water flows for the Priority Springs are established as a percent reduction from the median baseline flow contribution of each spring to the flow at the respective river gages listed in paragraphs 62-42.300(1)(a) and (b), F.A.C.:

1. Lower Santa Fe River Priority Springs:

a. Santa Fe Rise: Eight percent

b. ALA112971 (Treehouse): Eight percent

- c. Hornsby: Eight percent
- d. Columbia: Eight percent
- e. Poe: Eight percent
- f. COL 101974 (Unnamed): Eight percent
- g. Rum Island: Eight percent
- h. July: Eight percent
- i. Devil’s Ear (Ginnie Group): Eight percent
- j. GIL.1012973 (Siphon Creek Rise): Eight percent
- 2. Ichetucknee River Priority Springs:
 - a. Ichetucknee Head: Three percent
 - b. Blue Hole: Three percent
 - c. Mission: Three percent
 - d. Devil’s Eye: Three percent
 - e. Grassy Hole: Three percent
 - f. Mill Pond: Three percent

(d) Pursuant to Section 373.0421, F.S., the Department hereby adopts and incorporates by reference Section 6.0, entitled Supplemental Regulatory Measures, effective date . Copies of Section 6.0 entitled Supplemental Regulatory Measures are available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03947> or on the Department’s website at <http://www.dep.state.fl.us/water/waterpolicy/pubs.htm>. The Minimum Flows and Levels adopted in paragraphs 62-42.300(1)(a) through (c), F.A.C., above, and the Section 6.0 Supplemental Regulatory Measures adopted herein are inseverable, shall be construed as a whole, and are adopted simultaneously pursuant to subsection 62-40.473(5), F.A.C.

(e) Upon completion of the North Florida Southeast Georgia Regional Groundwater Flow Model currently under development, the Department, in coordination with the Suwannee River Water Management District and the St. Johns River Water Management District, shall re-evaluate the Minimum Flows and Levels and the present status of the Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs pursuant to Section 373.0421(3), F.S., using the best available scientific or technical data, methodologies, and models. No later than three years from the publication of the final peer review report on the North Florida Southeast Georgia Regional Groundwater Flow Model, or by December 31, 2019, whichever is earlier, the Department shall:

1. Publish a Notice of Proposed Rule to strike paragraphs 62-42.300(1)(a) through (d), F.A.C., and re-propose for adoption Minimum Flows and Levels for the Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs and any associated recovery or prevention strategies; and
2. Adopt the proposed rule in accordance with the timeframes provided in Section 120.54(3), F.S.

Rulemaking Authority 373.026(7), 373.036(1)(d), 373.043, 373.171 FS. Law Implemented 373.023, 373.026, 373.033, 373.036(1)(d), 373.0391, 373.0395, 373.042, 373.046, 373.0831, 373.086, 373.103, 373.106, 373.171, 373.175, 373.185, 373.1961, 373.223, 373.246, 373.250, 373.418, 373.451, 373.453, 403.0615(3), 403.064, 403.0891 FS., Ch. 2002-296, s. 38, Laws of Florida. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet Llewellyn
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Herschel T. Vinyard Jr.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 02, 2014
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 13, 2013

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-25.003
RULE TITLE: Qualification Program for Threshold Building Inspectors
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. 11, January 16, 2014 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (1) shall remain as noticed in the F.A.R.
2. Subsection (1)(a) shall remain as noticed in the F.A.R.
3. Subsection (1)(b) shall now read as follows:
 - (b) Three years of experience in performing structural field inspections on at least three threshold type buildings, obtained within ten calendar years preceding submission of the application and evidenced by letters of recommendation from three architects or engineers in the State of Florida, one of whom must be certified as a threshold building inspector.
4. Subsection (2) shall now read as follows:
 - (2) Application for certification shall be made on an application prescribed by the Department.
5. Subsections (2)(a) through (d) shall be deleted in their entirety.
6. Subsection (3) shall remain as noticed in the F.A.R.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-10.003 Costs of Reproducing Medical Records
NOTICE OF ADDITIONAL HEARING

The Board of Medicine hereby gives notice of an additional hearing on Rule 64B8-10.003, to be held before the Rules/Legislative Committee of the Board, on Thursday, April 3, 2014, at 3:00 p.m., or as soon thereafter as can be heard, at the Doubletree by Hilton, 100 Fairway Drive, Deerfield Beach, Florida 33441. The Board took public testimony on this rule at public hearings held on August 2, 2013, and October 3, 2013, and considered the testimony from the public hearings at the hearing held on December 6, 2013. The Committee reviewed and approved changes authorized by the Board at the December rule hearing and approved a Notice of Change at its meeting held on February 6, 2014. There remains some inconsistency with regard to the approved changes and the existing language and the Committee will reconsider the language at the April 3rd hearing. The rule amendment was originally published in Vol. 39, No. 95, of the May 15, 2013, issue of the Florida Administrative Register (FAR).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allison M. Dudley, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:
64B12-9.002 Re-Examination
NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule to modify the application form number DH-MQA 1190, “Re-Examination Application”, and incorporated by reference into the rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 80, of the October 29, 2013, issue of the Florida Administrative Register. The change is in response to concerns from the Joint

Administrative Procedures Committee, in a letter dated November 18, 2013.

Form DH-MQA 1190, “Re-Examination Application”, shall be changed as follows:

The revision date of Form DH-MQA 1190, “Re-Examination Application,” will be changed from 6/13 to 7/13.

One Page One, Section I of the application, the requirement for the applicant to provide the place of birth will be removed.

On Page One, Section I of the application, a statement will be added stating that providing an email address is optional. Also a statement will be added stating that providing an email address will become public record under Florida Law.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:
64B12-16.003 Apprenticeship Requirements and Training Program
NOTICE OF CORRECTION

Notice is hereby given that in accordance with subparagraph 120.54(3)(d)1., F.S., the following correction has been made to the Notice of Correction published in Vol. 39, No. 236, of the December 6, 2013, issue of the Florida Administrative Register.

64B12-16.003(1) is corrected to read as “No change.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Strategic Business Development

RULE NO.: RULE TITLE:
73A-2.005 Professional Sports Franchises
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. 38, February 25, 2014 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee

73A-2.005 Professional Sports Franchises.

(1) through (11) No change.

(12) Pursuant to Section 11.45(9)(b) and 288.1162(7), F.S., the Department may request the Auditor General to provide technical advice on financial and accounting systems, procedures, and related matters, having to do with distributions made to a professional sports franchise. Pursuant to Section 288.1162(7), F.S., the Department may request that the Auditor General conduct an audit.

Rulemaking Authority 288.1162(2) FS. Law Implemented 212.20(5)6.b., 288.1162 FS. History—New _____.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Strategic Business Development

RULE NO.: RULE TITLE:

73A-2.005 Professional Sports Franchises
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. 38, February 25, 2014 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee

73A-2.005 Professional Sports Franchises.

(1) through (11) No change.

(12) Pursuant to Section 11.45(9)(b) and 288.1162(7), F.S., the Department may request the Auditor General to provide technical advice on financial and accounting systems, procedures, and related matters, having to do with distributions made to a professional sports franchise. Pursuant to Section 288.1162(7), F.S., the Department may request that the Auditor General conduct an audit.

Rulemaking Authority 288.1162(2) FS. Law Implemented 212.20(5)6.b., 288.1162 FS. History—New _____.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on March 4, 2014, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurant, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code from Dippin Dots located in Orlando. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and three-compartment sinks.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received at or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: RULE TITLE:

64B2-13.004 Continuing Education

NOTICE IS HEREBY GIVEN that on February 24, 2014, the Board of Chiropractic Medicine received a petition for variance or waiver filed by Jay Michael Littlefield II, DC. The Petitioner is seeking a waiver or variance of subsection 64B2-13.004(1), Florida Administrative Code, which requires that for the purpose of renewing a license, an applicant must demonstrate to the Board that he or she participated in at least forty (40) classroom hours of continuing chiropractic education during the past two years.

Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony Jusevitch, Acting Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009 Applications

NOTICE IS HEREBY GIVEN that on March 6, 2014, the Board of Medicine received a petition for waiver filed by Saad Sakkal, M.D., from Rules 64B8-1.007 and 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 Opticianry

RULE NO.: RULE TITLE:

64B12-9.017 Eligibility of Individuals Practicing in a State in Which Licensure is Not Required.

NOTICE IS HEREBY GIVEN that on March 4, 2014, the Board of Opticianry received a petition for waiver or variance from Rule 64B12-9.017, Florida Administrative Code, filed by Michele A. Hudson, with regards to the requirement that an applicant must apply for the examination for licensure set forth in subsections 64B12-9.001(1), (3), and (4), F.A.C., within two (2) years of ceasing the actual practice opticianry in the other state upon which the eligibility is claimed.

Comments on this petition should be filed with the Board of Optometry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, at the above address or telephone: (850)245-4355.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-4.003 Licensure by Endorsement

Notice of Withdrawal of Petition for Variance or Wavier

The Board of Physical Therapy Practice hereby gives notice that the petition filed by Raphael Grenfell, on December 13, 2013, seeking a variance or wavier of Rule 64B17-4.003, Florida Administrative Code, has been withdrawn. The Notice of Petition was published in Vol. 40, No. 5, of the January 8, 2014, issue of the Florida Administrative Register.

The person to be contacted regarding this petition is: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-4373.

Section VI
Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:RULE TITLES:

- 15A-1.0015 Translation of Foreign Documents
 - 15A-1.003 Licenses Restricted as to Use
 - 15A-1.004 Reciprocity
 - 15A-1.005 Current Licenses; Relinquishment
 - 15A-1.0051 Renewal of License; Resident Temporarily Out of the State
 - 15A-1.008 Drug Addiction and Alcoholism
 - 15A-1.009 Mental Condition
 - 15A-1.010 Physical Condition
 - 15A-1.012 Driver License Examinations: Scoring
 - 15A-1.0125 Oral Examinations
 - 15A-1.013 Minimum Visual Standards for Licensing
 - 15A-1.014 Vehicle Inspection
 - 15A-1.015 Driving Ability, Demonstration: Scoring Criteria
 - 15A-1.016 Test/Examination Failure; Disqualification: Procedure
 - 15A-1.017 Re-examinations
 - 15A-1.019 Reinstatement; Hardship
 - 15A-1.0195 Right of Review
 - 15A-1.021 Cancellation
 - 15A-1.023 Appointments
 - 15A-1.024 Temporary Driving Permits
 - 15A-1.026 Express Renewal Offices
 - 15A-1.027 Driver Education Licensing Assistance Program (DELAP)
 - 15A-1.028 Fraudulent Driver License Applicants
 - 15A-1.0296 Substance Abuse Courses Required for Licensing
- The Department of Highway Safety and Motor Vehicles (DHSMV) announces a public meeting to which all persons are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Executive Director of the DHSMV to obtain approval to file Rule 15A-1, F.A.C., Rules Relating to Driver License Exams and Scoring Ratio, for Notice of Proposed Rulemaking and to file this rule for adoption if no member of the public timely requests a hearing or, if a hearing is requested, no changes need to be made. In addition, other general business may be addressed.

A copy of the agenda may be obtained by contacting: the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/>.

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: the Governor's Cabinet Affairs Office, (850)488-5152. 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).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 19, 2014, 10:00 a.m. – 11:00 a.m.

PLACE: Blue Spring State Park, 2100 W. French Ave., Orange City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The St. Johns River Water Management District will hold a public event to recognize its partnerships with the Florida Department of Environmental Protection, the cities of DeLand, Deltona, DeBary and Sanford, and Volusia County to implement reclaimed water cost-share projects in the Blue Spring springshed. These important projects will help meet the adopted minimum flows and levels (MFLs) for Blue Spring and will protect and enhance manatee habitat in the spring run. The event also will celebrate the recently adopted Blue Spring MFL prevention and recovery strategy. The strategy, developed collaboratively between the District, local governments and water suppliers, provides assurances that Blue Spring and several Volusia County lakes will achieve their MFLs and supports continued economic growth in and around Volusia County. Note: One or more District Governing Board members may be in attendance at the event.

A copy of the agenda may be obtained by contacting: Teresa Monson at (904)730-6258 or tmonson@sjrwmd.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 hours before the workshop/meeting by contacting: Teresa Monson at (904)730-6258 or tmonson@sjrwmd.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).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces a workshop to which all persons are invited.

DATE AND TIME: March 17, 2014, 5:00 p.m., Water Resource Advisory Commission (WRAC) Recreational Issues Workshop

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Workshop sponsored by the Water Resources Advisory Commission (WRAC) regarding recreational issues and opportunities within the South Florida Water Management District. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Tia Barnett, (561)682 6286, tbarnett@sfwmd.gov or at our website: <http://my.sfwmd.gov/wrac.gov>.

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 District Clerk at (561)682-2087. 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 Tia Barnett, (561)682 6286.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Communications

The Department of Management Services announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 23, 2014, 9:00 a.m.

PLACE: CCOC – Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Joint Task Force (JTF) Technical Committee will discuss items to bring to the attention of the JTF Board pertaining to the Statewide Law Enforcement Radio System. The Agenda and handouts will be made available closer to the date of the meeting at the link provided below.

A copy of the agenda may be obtained by contacting: http://www.dms.myflorida.com/business_operations/telecommunications/public_safety_bureau/radio_communications/state_law_enforcement_radio/current_joint_task_force_meeting. 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: Debi Smith at (850)922-7435 or debi.smith@dms.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: Debi Smith at (850)922-7435 or debi.smith@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

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

DATE AND TIME: March 24, 2014, 10:00 a.m.

PLACE: 1(888)670-3525, participant code: 8492079683#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board business.

A copy of the agenda may be obtained by contacting: the Board website: MyFloridaLicense.com – Our Businesses & Professions – Harbor Pilots.

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).

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 BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission announces a public meeting to which all persons are invited.

DATES AND TIMES: Please note all meeting dates/times: March 24, 2014; April 7, 2014; April 28, 2014; and May 12, 2014, 10:00 a.m. until completion

PLACE: Meetings to be conducted using communications media technology, specifically conference call and webinar. To access the audio portion of each of the meetings, call-in toll-free number: 1(888)670-3525 (US), attendee access code: 606 232 6940. Public point of access: Northwood Centre, Suite 90, 1940 North Monroe Street, Tallahassee, Florida. To view the materials presented by webinar, go to: for March 24, <https://suncom.webex.com/suncom/j.php?ED=262520162&UID=492507407&RT=MIMxMQ%3D%3D>; April 7, <https://suncom.webex.com/suncom/j.php?ED=262520282&UID=492507407&RT=MIMxMQ%3D%3D>; April 28, <https://suncom.webex.com/suncom/j.php?ED=262520687&UID=492507407&RT=MIMxMQ%3D%3D>; and May 12, <https://suncom.webex.com/suncom/j.php?ED=262520767&UID=492507407&RT=MIMxMQ%3D%3D>. Provide your phone number when you join the meeting to receive a call back. Alternatively, you can call in as directed above to access the audio portion of the meeting.

For assistance:

1. Go to <https://suncom.webex.com/suncom/mc>
2. On the left navigation bar, click “Support”.

To check whether you have the appropriate players installed for UCF (Universal Communications Format) rich media files, go to <https://suncom.webex.com/suncom/systemdiagnosis.php>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative updates and other old and new business approved by the Commission Chair.

A copy of the agenda may be obtained by contacting: Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)717-1823, fax: (850)414-4836.

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, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, telephone: (850)717-1838, fax: (850)414-4836. 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: Ms. Ila Jones, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, telephone: (850)717-1822, fax: (850)414-4836.

DEPARTMENT OF HEALTH

Board of Nursing

The Board of Nursing announces public meetings to which all persons are invited.

DATES AND TIMES: Thursday, April 3, 2014, 8:30 a.m. and 1:30 p.m.; Friday, April 4, 2014, 8:30 a.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Blvd., Ponte Vedra Beach, FL 32082, (904)285-7777

GENERAL SUBJECT MATTER TO BE CONSIDERED: Thursday, 8:30 a.m., Credentials “A” Committee; Thursday, 8:30 a.m., Education and Credentials “B” Committee; Thursday, 1:30 p.m., Disciplinary Hearings and General Business; Friday, 8:30 a.m., Disciplinary Hearings and General Business.

To view the public agenda materials visit: <http://www.floridasnursing.gov/meeting-information/>.

A copy of the agenda may be obtained by visiting www.FloridasNursing.gov or writing Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

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: the Board at (850)245-4125. 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

Division of Environmental Health

Notice of Clarification on Public Meeting of the Governor's Public Swimming Pool and Bathing Place Advisory Review Board

A notice was published in the Vol. 40, No. 44, March 5, 2014 edition of the FAR announcing a meeting of the Governor's Public Swimming Pool and Bathing Place Advisory Review Board to be held on March 12, 2014. This meeting is only for the purpose of review of and recommendations by the board on variance requests. This meeting is not related to the rulemaking for Chapter 64E-9, Florida Administrative Code, as noticed in Vol. 39, No. 39, February 26, 2013 edition of the FAR and is not intended to be a rule workshop or hearing.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

The Department of Health Injury Program announces public meetings to which all persons are invited.

DATES AND TIMES: March 12, 2014, 1:00 p.m. – 8:00 p.m.; March 13, 2014, 8:00 a.m. – 12:00 Noon

PLACE: Wyndham Tampa Westshore, 700 N. Westshore Boulevard, Tampa, Florida 33609

GENERAL SUBJECT MATTER TO BE CONSIDERED: The CDC grant guidance instructs States to (1) mobilize support and build partnerships by identifying, contacting and inviting potential key private, professional, voluntary and nonprofit injury prevention and control organizations, injury care providers, policymakers, consumers, payers, media, State and Federal agencies, surveillance, research and academic institutions, and others to become members of a new or existing State/territory-wide Injury Community Planning Group; (2) review surveillance data to help identify and prioritize injury and violence problems with the state; (3) review and identify evidence-based appropriate interventions; and (4) identify implementation partners for identified policies and interventions.

This FIPAC meets “in person” twice a year in a central location. The meeting is a one-night meeting that meets the above grant requirements. During the one and one-half day meeting there will be a general session and five goal-team break-out sessions in order to be cost effective. The goal teams are:

Goal 1: Establish a sustainable infrastructure that provides leadership, funding, data, communication, policy, and evaluation for injury prevention.

Goal 2: Support collaboration and statewide educational and awareness opportunities that are data driven causes of injury.

Goal 3: Establish a collaborative effort to provide statewide direction and focus for fall-related injury prevention for Florida's older adults.

A copy of the agenda may be obtained by contacting: Bonnie.Newsome@flhealth.gov.

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: Bonnie.Newsome@flhealth.gov. 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: Bonnie.Newsome@flhealth.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

The Department of Economic Opportunity (f/k/a the Agency for Workforce Innovation), Reemployment Assistance Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 12, 2014. 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room B-50, 107 E. Madison Street, Tallahassee, Florida 32399 or by conference call: 1(888)670-3525, passcode: 1188081993 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/calendar>.

PASCO-PINELLAS AREA AGENCY ON AGING

The Area Agency on Aging of Pasco-Pinellas announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 17, 2014, 9:30 a.m.

PLACE: 9549 Koger Blvd., Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Brenda Black at (727)570-9696, ext. 233.

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: Brenda Black at (727)570-9696, ext. 233. 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: Brenda Black at (727)570-9696, ext. 233.

CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.

The Center for Independent Living of South Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, March 29, 2014, 12:00 Noon – 2:00 p.m.

PLACE: 6660 Biscayne Boulevard, Miami, FL 33138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Board of Directors of the Center for Independent Living of South Florida, Inc. The Finance Committee and other ad hoc committees will meet 11:00 a.m. – 12:00 Noon, prior to the Board Meeting.

If alternative formats (Braille, large print, ASL interpretation) or other accommodations are required, please request at least 10 days in advance of the meeting date. RSVP to: Mary@soflacil.org or call: (305)751-8025, (TDD) (305)751-8891.

A copy of the agenda may be obtained by contacting: Mary@soflacil.org or calling (305)751-8025, ext. 110.

WALTON COUNTY HEALTH DEPARTMENT

The Walton Community Health Center announces a public meeting to which all persons are invited.

DATE AND TIME: March 20, 2014, 5:00 p.m.

PLACE: Walton County Health Department

GENERAL SUBJECT MATTER TO BE CONSIDERED: Various Board Information.

A copy of the agenda may be obtained by contacting: Denise Flynn at Walton County Health Department, 362 State Highway 83, DeFuniak Springs, FL 32433, (850)892-8040, ext. 1190.

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 7 days before the workshop/meeting by contacting: Denise Flynn at (850)892-8040, ext. 1190. 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 Flynn at Walton County Health Department, 362 State Highway, DeFuniak Springs, FL 32433, (850)892-8040, ext. 1190.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC
 The Florida Department of Transportation District Six announces a public meeting to which all persons are invited.
 DATE AND TIME: March 19, 2014, 6:00 p.m. – 8:00 p.m.
 PLACE: Clyde W. Judson, Jr. Community Center, 12100 NW 16 Avenue, Miami, FL 33167

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a Public Information Meeting about a roadway project along State Road (SR) 924/NW/NE 119 Street from SR 7/NW 7 Avenue to SR 909/West Dixie Highway, in Miami Dade County, to discuss the project’s design and scope of work. The project identification number is 430809-1-52-01. The public meeting will follow an informal, open house format allowing the public to arrive at any time from 6:00 p.m. to 8:00 p.m. Graphic displays will be shown during the meeting, and FDOT representatives will be available to discuss the project.

A copy of the agenda may be obtained by contacting: Public Information Specialist, Sandra Bello at (305)470-5349, email: Sandra.Bello@dot.state.fl.us.

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 7 days before the workshop/meeting by contacting: Brian Rick at (305)470-5349 or in writing: FDOT, 1000 N.W. 111 Avenue, Miami, FL 33172, email: brian.rick@dot.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).

For more information, you may contact: Public Information Specialist Sandra Bello at (305)470-5349, email: Sandra.Bello@dot.state.fl.us.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by James E. Olsen, Esq., In Re: Greenwood Village Condominium Association, Inc., Docket No. 2013049239, on December 4, 2013. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a Declaratory Statement because it may not issue a statement where a dispute of fact exists. The order was filed with the Agency Clerk on February 28, 2014.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Danny Brown, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1486, Daniel.Brown@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Medicine

Notice is hereby given that the Board of Medicine has received an Amended Petition for Declaratory Statement filed on behalf of the Society for Clinical and Medical Hair Removal, Inc., on March 5, 2014. The Petitioner seeks a declaratory statement from the Board with regard to the application of Sections 458.348(3) and (6), Florida Statutes, and Rules 64B8-51.006, 52.003, 52.004, and 56.002, F.A.C., with regard to whether current CME certification is required for electrologists wishing to use laser and light-based devices for hair removal and reduction services. The Petitioner also seeks a determination as to whether electrologists wishing to use laser or light-based devices must maintain certification throughout the time the electrologists are using the devices for hair removal and reduction or whether electrologists are required to obtain initial CME certification and then may let that certification lapse after the initial 5 year certification period. The Board will consider this petition at its meeting currently scheduled for April 4, 2014. 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 writing Allison M. Dudley, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

DEPARTMENT OF EDUCATION
University of West Florida

CALL FOR SUBMITTALS

The University of West Florida Board of Trustees is soliciting sealed responses for the following:

Greek Village Design Services

A Mandatory Pre-submittal Conference will be held on March 25, 2014 at 2:00 p.m. Central Time in Building 92, Room 110, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514

All respondents are required to attend the pre-submittal conference to participate in this solicitation. Failure of a representative from the principal firm to attend and sign in on the UWF official log as documented proof of attendance, shall result in immediate disqualification from this competitive solicitation process.

Sealed submittals will be received until April 24, 2014 at 2:00 p.m. Central Time at the Office of Procurement and Contracts, Bldg. 20E, Room 101, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Solicitation number 13PQS-10JJ must be marked on outside of submittal package. Submittals must be submitted in full and in accordance with the requirements of all terms and conditions of the PQS.

View this solicitation and related information on the Office of Procurement and Contracts' website at <http://uwf.edu/procurement>. All plans and specifications may be downloaded from this site. All questions should be directed to Judy Jasmyn at jjasmyn@uwf.edu.

**Section XII
Miscellaneous**

DEPARTMENT OF HEALTH
Board of Nursing

Notice of Emergency Action

On March 6, 2014, State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Katie B. Hernandez, C.N.A., License # CNA 253615. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
Final Order, DEO-14-025

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF
ISLANDS, FLORIDA, ORDINANCE NO. 14-03

FINAL ORDER

APPROVING ISLAMORADA ORDINANCE NO. 14-03

The Department of Economic Opportunity ("Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat., approving land development regulations adopted by Islamorada, Village of Islands, Florida, Ordinance No. 14-03 (the "Ordinance").

FINDINGS OF FACT

The Florida Keys Area is designated by § 380.0552, Fla. Stat., as an area of critical state concern. Islamorada, Village of Islands, is a local government within the Florida Keys Area.

The Ordinance was adopted by Islamorada, Village of Islands, on January 9, 2014.

The Ordinance amends Chapter 30 "Land Development Regulations," Article II "Rules of Construction and Definitions," Section 30-32 "Specific Conditions," to modify the definition of "Room, Hotel or Motel" by changing the number of allowed bathrooms per hotel or motel room from 1.5 bathrooms to 2 bathrooms, changing the term "units" to "rooms," and changing the term "bath" to "bathrooms." The Ordinance further provides that any legally established hotel

room may add either one additional half bathroom or full bathroom but no additional bedrooms or other living areas, provided that in situations where any building footprint is enlarged, the parcel of land complies with the open space requirements in the Regulations.

CONCLUSIONS OF LAW

The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11) and § 380.0552(9), Fla. Stat.

“Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Fla. Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Fla. Stat.

The Ordinance is consistent with Policy 2-1.6.3 and Goal 103 in the Islamorada, Village of Islands, Comprehensive Plan.

The Ordinance is consistent with the Principles for Guiding Development in section 380.0552(7), Fla. Stat., as a whole, and is specifically consistent the following Principles:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that Islamorada, Village of Islands, Ordinance No. 14-03 is consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
 William B. Killingsworth, Director
 Division of Community Development
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON STREET, MSC 110
TALLAHASSEE, FLORIDA 32399-4128
TELEPHONE: (850)245-7160
FAX: (850)921-3230

Email: James.Bellflower@deo.myflorida.com

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL

HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 6 day of March, 2014.

/s/ _____
James W. Bellflower, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:
Honorable Ted Blackburn
Mayor, Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Edward Koconis, Director
Planning and Development Services
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Synthia Lankford, Village Clerk
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Section XIII
Index to Rules Filed During Preceeding
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.