

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: Peter Penrod, Assistant General Counsel, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Peter Penrod, Assistant General Counsel, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-11.013. Filing Claims and Providing Documentation.

(1) through (2) No change.

(3) Registration for Work.

(a) Unless exempted under Section 443.091(1)(b), F.S., the claimant must file a complete work registration on the Employ Florida Marketplace website, which may be accomplished by logging onto <http://www.employflorida.com>. To complete the work registration, the claimant must: The filing of an unemployment compensation claim also constitutes registration for job search and reemployment assistance with the One-Stop Career Center nearest the claimant's address of record.

1. Provide an email address;

2. Complete the Background Wizard; and

3. Create an Online Resume.

(b) The Background Wizard and Online Resume application may require the claimant to provide information relating to his or her:

1. Level of education;

2. Occupational license or certification;

3. Skills and abilities;

4. Driver's license;

5. References; and

6. Any other information required by the Department in its online application process.

(4) No change.

(5) No change.

Rulemaking Authority 443.091(1)(a), 443.1317(1)(b), 443.151(2)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.1116 FS. History—New 8-25-92, Formerly 38B-3.013, Amended 8-14-08, 11-27-11, Formerly 60BB-3.013, Amended _____.

Section II Proposed Rules

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.:

RULE TITLE:

19B-16.003

Participation Agreement

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida College Investment Plan (Florida 529 Savings Plan) Disclosure Statement and Participation Agreement.

SUMMARY: The Florida College Investment Plan (Florida 529 Savings Plan) Disclosure Statement and Participation Agreement.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 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: August 10, 2012, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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: fax a written request to the Florida Prepaid College Board at (850)488-3555. 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: Kevin Thompson, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the disclosure statement and participation agreement. The Florida College Investment Plan Disclosure Statement and Participation Agreement, Form No. FPCB 2012-04 2010-4, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (3) No change.

(4) The disclosure statement and A participation agreement shall remain in effect until terminated pursuant to Rule 19B-16.010, F.A.C.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History—New 11-27-02, Amended 12-28-04, 6-2-05, 7-13-06, 12-4-07, 5-29-08, 6-3-09, 6-22-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2012

PUBLIC SERVICE COMMISSION

Docket No. 110313-PU

RULE NOS.:	RULE TITLES:
25-7.059	Use of Meters
25-7.060	Location of Meters and Associated Appurtenances
25-7.061	Meter Testing Equipment
25-7.062	Meter Testing Methods
25-7.064	Meter Testing for Accuracy
25-7.065	Meter Test by Request
25-7.066	Meter Test – Refereed Disputes
25-7.070	Sealing Meters
25-7.071	Measuring Customer Service
25-7.084	Meter Readings

PURPOSE AND EFFECT: To update and clarify the rules and to remove obsolete and unnecessary language.

SUMMARY: Rule 25-7.059 is amended to accurately describe the “pressure control” function; Rule 25-7.060 is amended to delete obsolete meter locating requirements; Rule 25-7.061 is amended to delete obsolete meter-testing technology language; Rule 25-7.062 is amended to remove obsolete language and to clarify language; Rule 25-7.064 is amended for accuracy and clarification; Rule 25-7.065 is amended to add allowable methods of test request and to add clarifying language; Rule 25-7.066 is amended to add clarifying language; Rule 25-7.070 is amended to update terminology; Rule 25-7.071 is be amended to delete unnecessary language; Rule 25-7.084 is amended to remove obsolete language and to add clarifying 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 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: based upon the information contained in the SERC.

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: 350.127(2), 366.05(1) FS.
LAW IMPLEMENTED: 366.03, 366.05(1), (3), (4), (5), 366.08 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

25-7.059 Use of Meters.

(1) No change.

(2) Unless otherwise authorized by the Commission, each utility shall provide and install at its own expense and shall continue to own, operate, and maintain all equipment necessary for the ~~pressure control regulation~~ and measurement of gas to its customers.

(3) through (4) No change.

~~Rulemaking Specific~~ Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, Formerly 25-7.59, Amended _____.

25-7.060 Location of Meters and Associated Appurtenances.

(1) The customer shall furnish a convenient, accessible and safe place in which the meter can be installed, operated and maintained. This location insofar as practical shall be outside the building and free of ~~possible excessive temperature variations~~ or causes of damage which might affect meter operation or accuracy.

(2) No change.

~~Rulemaking Specific~~ Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, Formerly 25-7.60, Amended _____.

25-7.061 Meter Testing Equipment.

(1) Each utility shall own and maintain or have access to all necessary meter testing equipment, ~~including at least one bell type meter prover of not less than five (5) cubic feet capacity or other meter testing device~~ approved by the

Commission's ~~Bureau of Division of Auditing and Safety~~. This equipment shall be maintained in correct adjustment so that it shall be capable of determining the accuracy of customer meters to within one-half of one percent (0.5%).

(2) The accuracy of all meter testing equipment will be established in accordance with procedures set forth in American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition, incorporated by reference herein, and which may be obtained from the American Gas Association, 400 North Capitol Street, NW, Washington, DC 20001.

(3) All alterations, accidents, or repairs to meter proving equipment which might affect the accuracy of such equipment or the method of operation shall be promptly reported in writing to the ~~Commission's Bureau of Division of Auditing and Safety of the Commission.~~

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 5-27-76, 2-13-84, Formerly 25-7.61, Amended _____.

25-7.062 Meter ~~Testing Methods~~ Test Records.

(1) All meter tests shall be performed by competent, trained personnel using approved methods and equipment.

(2)(+) Diaphragm meters with a test dial of five (5) cubic feet or less. The accuracy of customer meters of this type shall be determined by passing air from ~~an accurate a standard bell type meter prover or a calibrated test meter~~ at a rate of flow designated herein when ~~the liquid in the prover tank~~, the test equipment, the atmosphere of the room and the meter to be tested are at practically the same temperature. The meter shall be tested at two rates of flow, viz: a check rate test which shall be at a rate of flow of approximately twenty percent (20%) of rated capacity, and also a one hundred percent (100%) of rated capacity or open run test. The average of the tests at the two rates of flow shall agree within one percent (1%) and the average error of the meter shall be considered to be the algebraic sum of twenty-five percent (25%) of the error indicated by open run test and seventy-five percent (75%) of the error indicated by the check rate test.

(3)(-) Other meters. Any utility furnishing large volume gas service through diaphragm type meters with a test dial of over five (5) cubic feet or other type meters such as turbine, rotary displacement, or orifice meters shall make provision for factory or other tests in accordance with manufacturer's recommendations and American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, 8-4-85, Formerly 25-7.62, Amended _____.

25-7.064 ~~Periodic~~ Meter Testing for Accuracy Tests.

(1)(a) Each gas utility may formulate a statistical sampling plan for the purpose of ~~periodically~~ testing for accuracy installed diaphragm type positive displacement gas service meters having a capacity rating of 250 cfh or less measured at the manufacturer's specification for one-half (1/2) inch pressure differential. Such sampling plan shall be subject to approval by the Commission's ~~Bureau Division of Auditing and Safety~~ prior to implementation.

(b) All meters installed of the above type and size not included in an approved Random Sampling Plan shall be periodically removed, inspected and tested for accuracy at least once every one hundred twenty (120) months.

(2) Meters having a capacity rating of 250 cfh through 2500 cfh measured at the manufacturer's specifications for one half (1/2) inch pressure differential shall be field tested or shop tested for accuracy in accordance with American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition at least once every one hundred twenty (120) months.

(3) Meters above 2500 cfh capacity rating measured at the manufacturer's specifications for one half (1/2) inch differential shall be field tested or shop tested for accuracy in accordance with manufacturer's recommendations and American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition, at least every sixty (60) months.

(4) An instrument or auxiliary device used in conjunction with any gas meter to correct the metered volume for pressure or temperature shall be adjusted to an accuracy level to assure that the combined accuracy of the instrument or auxiliary device, or both, and the associated meter does not exceed one percent (1%) error fast or ~~one two percent (1%) (2%)~~ error slow. Each instrument and auxiliary device shall be checked at least the same test interval as prescribed for the associated meter to insure and verify the performance.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 5-27-76, 2-13-84, Formerly 25-7.64, Amended _____.

25-7.065 Meter Test by Request.

(1) Upon ~~written~~ request of a customer, the utility shall, without charge, make a test of the accuracy of the meter in use at his premises; provided, first, that the meter has not been tested by the utility or by the Commission within twelve months previous to such request.

(2) Should any customer request a meter test more frequently than provided for in subsection (1) of this rule, the utility may require a deposit to defray the cost of testing, such deposit shall not exceed the following for each test:

(a) through (b) No change.

(c) Meters with a capacity rating over 2500 cfh – \$129.00 dollars. If the meter is found to be more than two percent (2%) fast, the deposit shall be refunded, but if found to be less than or equal to two percent (2%) fast below this accuracy limit, the deposit may be retained by the utility as a service charge for conducting the test.

(3) No change.

(4) At the request of the customer, the utility shall make arrangements for a meter test to be conducted by an independent meter testing facility of the customer’s choosing. The customer shall be responsible for negotiating and paying to the independent meter testing facility any fee charged for such a test. Such independent meter testing facilities shall, at a minimum, conform to the requirements of the American Gas Association Gas Measurement Manual, Meter Proving Part No. Twelve, 1978 edition. Where appropriate, the meter may be field tested. The customer shall be responsible for all the costs to the utility associated with a meter test by an independent meter testing facility. The utility shall provide a detailed estimate of such costs and may require payment of such costs prior to the actual meter test. If the meter is found to be running fast in excess of the limits established by these rules, such costs shall be refunded, but if within the allowable limits, the utility may retain the costs.

(5) No change.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), (3), (4) FS. History–Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 10-11-83, 2-13-84, Formerly 25-7.65, Amended _____.

25-7.066 Meter Test – Refereed Disputes Referee.

(1) In the event of a dispute, upon request written application to the Commission by any customer, a test of the customer’s meter will be made by the utility as soon as practicable. Said test will be supervised and witnessed or supervised as soon as practicable by a representative of the Commission.

(2) through (3) No change.

(4) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained by the utility.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(3), (5), 366.08 FS. History–Amended 10-20-73, Repromulgated 1-8-75, 5-4-75, Formerly 25-7.66, Amended _____.

25-7.070 Sealing Meters.

All meters tested for installation shall be sealed at the time of the test by the meter personnel meterman performing the test. The seal shall be of a type that will ensure detection of tampering. Those utilities using a compression type lead seal shall have as a sealing tool a device furnished with a die, which shall bear the initials of the utility. Utilities using a snap tin type seal shall have the seal stamped in a similar manner.

Rulemaking Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(3) FS. History–New 2-13-84, Formerly 25-7.70, Amended _____.

25-7.071 Measuring Customer Service.

(1) All gas sold to customers shall be measured by commercially acceptable measuring devices owned and maintained by the utility, except where it is impractical to meter ~~loans~~, such as street lighting, temporary or special installations, in which case the consumption may be calculated, or billed on a rate or as provided in the utility’s filed tariff.

(2) through (3) No change.

Rulemaking Specific Authority 350.127(2), 366.05 FS. Law Implemented 366.03, 366.05(1) FS. History–New 10-23-86, Amended _____.

25-7.084 Meter Readings.

(1) No change.

(2) When an electronic meter reading is used to determine volumes consumed, the customer’s bill may be rendered from data received electronically, ~~however, the mechanical counter of the metering device shall be read monthly~~. When available, both corrected and uncorrected total volumetric readings shall be recorded.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History–Repromulgated 1-8-75, Amended 5-4-75, Formerly 25-7.84, Amended 10-10-95, _____.

Posting of the American Gas Association Gas Measurement Manual, Meter Proving, Part No. Twelve, 1978 edition, on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These materials are available for public inspection and review at the Florida Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, and the Florida Public Service Commission, 2504 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Moses

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 37, Number 45, November 10, 2011

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-12.005	Codes and Standards Adopted
25-12.008	New, Reconstructed or Converted Facilities
25-12.027	Welder Qualification
25-12.052	Corrosion Control Criteria for Cathodic Protection of Buried or Submerged Metallic Pipeline
25-12.082	Construction Notice

PURPOSE AND EFFECT: To clarify the rules, to update them to reflect the most current applicable Code of Federal Regulations, and to remove obsolete and unnecessary language.

Docket No. 110313-PU

SUMMARY: Rule 25-12.005 is amended to adopt the most current applicable Code of Federal Regulation sections for natural gas pipelines; Rule 25-12.008 is amended to delete obsolete requirements and reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.027 is amended to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.052 is amended to remove obsolete language and to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.082 is amended to specify the time frame within which major pipeline construction or alteration notification must be given to the Commission.

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 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: based upon the information contained in the SERC.

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: 368.05(2), 350.127(2) FS.

LAW IMPLEMENTED: 368.03, 368.05(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-12.005 Codes and Standards Adopted.

The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas prescribed by the Pipeline and Hazardous Materials Safety Administration in 49 C.F.R. 191 and 192 ~~(2011) (2008) as amended in 74 Fed. Reg. 2889-01 (January 16, 2009)~~, are adopted and incorporated by reference as part of these rules. 49 C.F.R. 191 (2011) may be accessed at [electronic hyperlink]. 49 C.F.R. 192 (2011) may be accessed at [electronic hyperlink]. 49 C.F.R. 199 (2011) (2008), “Drug and Alcohol Testing,” ~~as amended in 74 Fed. Reg. 2889-01 (January 16, 2009)~~, is adopted and incorporated by reference to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for on-site construction of natural gas transporting pipeline facilities. 49 C.F.R. 199 (2011) may be accessed at [electronic hyperlink]. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

~~Rulemaking Specific~~ Authority 368.05(2), 350.127(2) FS. Law Implemented 368.03 FS. History—New 11-14-70, Amended 9-24-71, Revised 9-21-74, Amended 10-7-75, 11-30-82, 10-2-84, Formerly 25-12.05, Amended 8-8-89, 1-7-92, 5-13-99, 4-26-01, 12-15-09, _____.

25-12.008 New, Reconstructed or Converted Facilities.

(1) No change.

(2) Before a piping system can be converted to a regulated gas, the operator must:

(a) ~~Have on file with the Commission~~ a general conversion procedure as a part of its operation and maintenance plan.

(b) through (d) No change.

(e) Establish the maximum allowable operating pressure no greater than the highest sustained operating pressure during the 5 years prior to conversion unless it was tested or uprated after July 1, 1970 in accordance with the Subparts J or K of 49 C.F.R. 192 ~~(2011) (2008)~~.

(f) No change.

(g) Determine areas of active corrosion as required by 49 C.F.R. 192 ~~(2011) (2008)~~ and these rules. Required cathodic protection must be accomplished within 1 year after the date of conversion except that buried steel tubing must be protected prior to placing the system into operation.

Rulemaking Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History—New 11-14-70, Revised 9-21-74, Amended 10-7-75, 10-2-84, Formerly 25-12.08, Amended 12-15-09, _____.

25-12.027 Welder Qualification.

(1) No welder shall make any pipeline weld unless the welder has qualified in accordance with Section 3 of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, 20th edition, October 2005 including Errata/Addendum July 2007 and Errata 2 (2008), incorporated by reference herein, or Appendix C of 49 C.F.R. 192 (2011) (2008), within the preceding 15 months, but at least once each calendar year. A copy of API 1104 may be obtained from <http://www.api.org/Standards/>.

(2) No change.

Rulemaking Authority 350.127(2), 368.05(2) FS. Law Implemented 368.03, 368.05 FS. History—New 1-7-92, Amended 12-15-09, _____.

25-12.052 Corrosion Control Criteria for Cathodic Protection of Buried or Submerged Metallic Steel, Cast Iron, and Ductile Iron Pipeline.

(1) The only acceptable criteria for the determination of cathodic protection shall be I-A(1), ~~I-A(2)~~, I-A(3), and I-A(5) of Appendix D of 49 C.F.R. 192 (2011), ~~Part 192 of Title 49, CFR.~~

(2) No change.

~~(3) Application of Criterion I-A(2) shall be dependent upon the establishment of initial or unprotected pipe/soil potentials.~~

~~(3)(4)~~ Application of Criterion I-A(5) is restricted to bare and essentially bare ineffectively coated metallic gas pipelines installed prior to July 31, 1971.

(a) through (b) No change.

~~(e) The procedure qualification shall include a surface potential survey conducted longitudinally directly above the pipeline with maximum spacing of ten (10) feet utilizing two saturated copper-copper sulfate half-cells.~~

~~(c)(d)~~ All procedure qualification records shall be retained as long as the qualified procedure is used.

~~(d)(e)~~ If application of the qualified procedure fails to provide the required protective net current flow from the surrounding electrolyte into the pipeline surface for a segment of the pipeline, the procedure shall be modified accordingly and requalified for use in similar conditions.

~~(e)(f)~~ The placement of the electrodes for resurvey monitoring of the application of I-A(5) shall utilize the same electrode locations as the initial survey when practical.

~~(f)(g)~~ Each pipeline that is under cathodic protection utilizing Criterion I-A(5) shall be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of these rules.

~~(4)(5)~~ If gas leakage results from active corrosion of a pipeline, remedial action shall include application of cathodic protection to meet one of the criteria of this rule, as described in subsection (1), unless the pipeline is replaced with

non-metallic pipe. Cathodic protection for these remedial applications must be tested at least once every calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of this rule.

~~(5)(6)~~ Each operator must take remedial action within three (3) months to correct or make substantial progress toward correction of any deficiencies indicated by monitoring.

Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History—New 10-7-75, Amended 10-2-84, Formerly 25-12.52, Amended 1-7-92, _____.

25-12.082 Construction Notice.

Written Notice shall be given to the Commission at least 15 days prior to start of all major construction or alteration of pipeline facilities, stating the size, approximate location and contemplated time of construction. Notice is required when the pipeline involved is both at least 2 inches in diameter as well as 2,000 feet or more in length.

Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History—New 11-14-70, Amended 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.82, Amended _____.

Posting of Section 3 of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, 20th edition, October 2005, including Errata/Addendum July 2007 and Errata 2 (2008), on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These materials are available for public inspection and examination at the Florida Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, and the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Moses

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 37, Number 45, November 10, 2011

COMMISSION ON ETHICS

<p>RULE NOS.:</p> <p>34-8.002</p> <p>34-8.008</p> <p>34-8.009</p>	<p>RULE TITLES:</p> <p>General Rules for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests</p> <p>Final Filing Using the CE Form 6F</p> <p>Amended Filing Using the CE Form 6X</p>
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- 34-8.202 General Rules for Filing the CE Form 1 – Statement of Financial Interests
- 34-8.208 Final Filing Using the CE Form 1F
- 34-8.209 Amended Filing Using the CE Form 1X

PURPOSE AND EFFECT: The purpose of the proposed amendments is to make revisions to financial disclosure forms that are adopted by reference in the various rules of Chapter 34-8, Florida Administrative Code. The filing year on all of the forms will be changed to “2012” (filers will complete and file these forms in 2013 for the calendar year ending December 31, 2012), and filing instructions and examples are being revised for greater clarity. Additionally, where there were statutory changes to those who are required to file, those changes are reflected in the forms.

SUMMARY: CE Form 6 (Full and Public Disclosure of Financial Interests), CE Form 6F (Final Full and Public Disclosure of Financial Interests), CE Form 6X (Amendment to Full and Public Disclosure of Financial Interests), CE Form 1 (Statement of Financial Interests), CE Form 1F (Final Statement of Financial Interests), and CE Form 1X (Amendment to Form 1 Statement of Financial Interests), are affected by this rulemaking.

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: Approximately 40,000 persons are required by law to file either the CE Form 1 or the CE Form 6 each year, depending on their position. However, other the amount of time they expend to complete the form, any economic impact on filers is nominal. The Commission absorbs the costs of printing and distributing its forms in its annual budget.

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: Art. II, Section 8, Fla. Const., 112.3144, 112.3144(7), 112.3145, 112.3145(9), 112.3147, 112.322(9) FS.

LAW IMPLEMENTED: Art. II, Section 8, Fla. Const., 112.3144, 112.3144(6), 112.3144(7), 112.3145, 112.3145(2)(b), 112.3145(9) FS.

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

DATE AND TIME: September 7, 2012, 8:30 a.m.

PLACE: Senate Office Building, Room 37S, 404 South Monroe Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Millie Fulford at (850)488-7864 or fulford.millie@leg.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Assistant General Counsel, (850)488-7864 or costas.julie@leg.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

34-8.002 General Rules for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests.

(1) Every person who holds an office specified in Rule 34-8.003, F.A.C., must file full and public disclosure of his or her financial interests with the Commission by July 1 of each year during which he or she is in office, and every person who held an office specified in Rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her financial interests with the Commission by July 1 of the following year. Full and public disclosure of financial interests means filing a sworn statement showing net worth, assets and liabilities on the form prescribed by the Commission, CE Form 6 – Full and Public Disclosure of Financial Interests, together with either a copy of the person’s most recent federal income tax return, including all attachments, or the completed income disclosure portion of CE Form 6. The CE Form 6 (1/2013) (~~1/2012~~) is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us. A candidate for an elective office specified in Rule 34-8.003 or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

(2) through (3) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.3147, 112.322(9), FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144, FS. History–New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, 7-2-00, 11-07-01, 1-19-11, 1-1-12, _____.

34-8.008 Final Filing Using the CE Form 6F.

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, file with the Commission a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be on the form prescribed by the Commission, CE Form 6F – Final Full and Public Disclosure of Financial Interests. The CE Form 6F (1/2013) ~~(1/2012)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013.

Rulemaking Authority 112.3144, 112.3147, 112.322(9) F.S. Law Implemented 112.3144(5), 112.3144(6) F.S. History--New 11-07-01, Amended 1-19-11, 1-1-12,_____.

34-8.009 Amended Filing Using the CE Form 6X.

(1) A person may amend his or her full and public disclosure of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended filing shall be filed with the same office where the original form was filed and shall be on the form prescribed by the Commission, CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests. The CE Form 6X (1/2013) ~~(1/2012)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013.

Rulemaking Authority 112.3144(6), 112.3144(7), 112.3147, 112.322(9) F.S. Law Implemented 112.3144(7) F.S. History--New 11-07-01, Amended 1-19-11, 1-1-12,_____.

34-8.202 General Rules for Filing the CE Form 1 – Statement of Financial Interests.

(1) A person who was a local officer as defined in Section 112.3145, F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1 – Statement of Financial Interests, with the supervisor of elections in the county where he or she permanently resides, or, if the person does not permanently reside in Florida, with the supervisor of elections in the county of his or her agency's headquarters. The CE Form 1 (1/2013) ~~(1/2012)~~ is adopted by reference herein and may be obtained without cost from the Florida

Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) through (6) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) F.S. Law Implemented 112.3145 F.S. History--New 11-07-01, Amended 1-19-11,1-1-12,_____.

34-8.208 Final Filing using the CE Form 1F.

(1) No change.

(2) The final filing shall be on the form prescribed by the Commission, CE Form 1F – Final Statement of Financial Interests. The CE Form 1F (2013) ~~(1/2012)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(3) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) F.S. Law Implemented 112.3145(2)(b) F.S. History--New 11-07-01, Amended 1-19-11, 1-1-12,_____.

34-8.209 Amended Filing Using the CE Form 1X.

(1) A person may amend his or her statement of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended statement shall be filed with the same office where the original form was filed and shall be made on the form prescribed by the Commission, CE Form 1X – Amendment to Form 1 Statement of Financial Interests. The CE Form 1X (1/2013) ~~(1/2012)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013.

Rulemaking Authority 112.3145(9), 112.3147, 112.322(9) F.S. Law Implemented 112.3145(9) F.S. History--New 11-07-01, Amended 1-19-11, 1-1-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julia Cobb Costas, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Virlindia Doss, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2012

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.603 RULE TITLE: Permit Application Procedures
 PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to clarify that notices of agency action will be issued only to applicants and persons who have filed requests for notification in writing or via electronic mail.
 SUMMARY: Modification of Procedural Rules of the District.
 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:

There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification or submittal of a SERC.

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: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 120.60(4), 373.116, 373.118, 373.229, 373.413 FS.

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

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 Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sonya White, Office of General Counsel, 7601 Highway 301 North, Tampa, FL; 33637-6759, (813)985-7481, ext. (4660) (OGC #2012009)

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40D-1.603 Permit Application Procedures.
- (1) through (5) No change.
- (6) Publication or posting of the notice of application pursuant to subsection (2) shall constitute constructive notice of the permit application to all substantially affected persons. Notices of agency action will be issued only to applicants and persons who have filed ~~such~~ requests for notification in writing or by electronic mail that specifically reference the relevant permit application number.
- (7) through (14) No change.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 120.60(4), 373.116, 373.118, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, 9-26-02, 12-24-07, 4-7-08, 11-2-08, 9-1-09_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Pettit, Senior Attorney, Office of General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District, Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 22, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-42.001	Definitions
61-42.002	Investigations and Legal Services
61-42.003	Unsanctioned Amateur Events
61-42.004	Procedure for Mediation

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to articulate and detail the legal and investigative services provided to the Florida State Boxing Commission by the Department.

SUMMARY: The subject area to be addressed in these rules is the legal and investigative services provided to the Florida State Boxing Commission by the Department.

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 conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 548.003(8) FS.

LAW IMPLEMENTED: 548.003(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kathleen Brown-Blake, Rules Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULES IS:

61-42.001 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) "Commission" means the Florida State Boxing Commission.

(2) "Disputant" means the complainant or the licensee.

(3) "Executive Director" means the executive director of the Florida State Boxing Commission.

(4) "Mediation" means a process whereby a third person acts to encourage and facilitate the resolution of a dispute between a complainant and licensee without prescribing what the resolution should be. The resolution is an informal and nonadversarial process with the objective of helping the disputants reach a mutually acceptable agreement.

(5) "Mediator" means the employee or agent of the department assigned to conduct the mediation (defined in subsection (4)) according to the procedures set forth in this rule. No person shall both conduct mediation and investigate the same complaint.

Rulemaking Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History--New _____.

61-42.002 Investigations and Legal Services.

(1)(a)The department shall investigate, on behalf of the commission, any complaint that is filed with the department in writing, signed by the complainant, legally sufficient, and under the jurisdiction of the State of Florida. A complaint is legally sufficient if it contains facts that show a violation of this chapter, of any of the practice acts relating to the professions regulated by the commission, or of any rule adopted by the commission. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate and take appropriate final action on a complaint even though the original complaint is withdrawn or the complainant indicates a desire not to cause the complaint to be investigated or prosecuted to completion.

(b) The department may investigate an anonymous complaint if the complaint is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true.

(c) The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true.

(d) The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute or a rule of a commission.

(e)When an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the department. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public health, safety, and welfare. However, if the secretary, or the secretary's designee, and the chair of the commission agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(f) When an investigation of an amateur sanctioning organization is undertaken, if possible, investigators shall conduct a compliance check on any matches held by the amateur sanctioning organization to ensure compliance with Chapter 548, F.S., and the rules adopted by the commission.

(g) For the purposes of investigation, any individuals designated by the executive director and department to conduct investigations shall be admitted to each event or match and

provided reasonable access to all areas, including but not limited to dressing rooms or locker rooms by the amateur sanctioning organization.

(2) The department shall designate sufficient and adequately trained staff or other qualified persons to investigate all legally sufficient complaints. The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency.

(3) For the purposes of this rule, the Department may use any of the individuals designated to conduct compliance checks, as forth in Rule 61K1-4.001, F.A.C., to conduct or assist in investigations. Those individuals are:

(a) Referees currently or formerly licensed under Chapter 548, F.S.;

(b) Judges currently or formerly licensed under Chapter 548, F.S.;

(c) Inspectors, including Chief Inspectors;

(d) Ringside physicians currently or formerly licensed under Chapter 548, F.S.;

(e) Commission staff;

(g) The executive director;

(h) Commissioners.

(4) When its investigation is complete and deemed legally sufficient, the department shall prepare and submit to the Office of the General Counsel the investigative report. The report shall contain the investigative findings and the recommendations concerning the existence of probable cause of any violation of Chapter 548, F.S., or of any rule adopted by the commission. At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein.

(5) As an alternative to the provisions of subsections (1), (2), and (3), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation, as listed in Rules 61K1-3.024 and 61K1-4.013, F.A.C. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(6) The determination of whether probable cause exists shall be made by the Office of the General Counsel within the Department. The Office of the General Counsel may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; and all costs thereof shall be paid from the Professional Regulation Trust Fund.

(7) When probable cause of a violation of Chapter 548, F.S., or the rules of the commission has been found by the Office of the General Counsel, the Office of the General Counsel shall serve notice of the alleged violation(s) in an Administrative Complaint in accordance with Section 120.60(5), F.S. If the Subject of a complaint disagrees with the allegations set forth in the Administrative Complaint, a formal

hearing before an administrative law judge may be requested from the Division of Administrative Hearings, pursuant to a petition or request for hearing, as set forth in Section 120.569, F.S., and the rules adopted thereto. Hearings shall be held pursuant to Chapter 120, F.S., and the rules adopted thereto.

(8) The commission shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the commission.

(9) The department shall have standing to seek judicial review of any final order of the commission, pursuant to Section 120.68, F.S.

(10) The department shall periodically notify the complainant of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(11) Upon completion of the investigation and pursuant to a written request by the subject, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(12) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the Florida State Boxing Commission Trust Fund for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

Rulemaking Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History—New _____.

61-42.003 Unsanctioned Amateur Events.

(1) When the department has probable cause to believe that any person or entity not licensed by the commission intends to sanction or supervise an amateur match or event in the state, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person or entity who aids and abets the unlicensed sanctioning or supervising of an amateur match or event in this state by employing such unlicensed person or entity. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under Sections 120.569 and 120.57, F.S., may be sought. For the purpose of enforcing a cease and desist notice, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person or entity who violates any provisions of such notice. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed \$5,000 per incident pursuant to the

provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the notice for a penalty pursuant to Section 120.569, F.S., it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court in which the department's main office is located for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than \$500 and no more than \$5,000 for each offense.

(3)(a) The department may issue citations to the subject for intending to sanction or supervise amateur matches or events without being licensed to do so. The citations shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure in Rule 61-41.002, F.A.C. If the subject disputes the matter in the citation, the procedures set forth in Rule 61-41.002, F.A.C., must be followed. The penalty shall be a fine of not less than \$500 or more than \$5,000 or other conditions as established by rule.

(b) Citations imposing a designated fine may be issued under the following conditions:

1. The subject has received a previous Notice to Cease and Desist for the unlicensed activity;
2. The subject has not received a prior citation, or final order, for the unlicensed activity;
3. There is no evidence of consumer harm; and
4. The subject has not previously held a license as an amateur sanctioning organization.

(c) Citations for the unlicensed practice of a sanctioning or supervising an amateur match governed by Chapter 548, F.S., shall be either personally-served or served by certified mail, restricted delivery.

(d) If the subject does not dispute the citation within 30 days after the citation is served, the citation will become a final order of the Department.

(e) Payment of an undisputed citation is due within 30 days after the citation has become a final order.

(f) Citations which have become final orders will be used in any subsequent proceedings as evidence of a prior violation of that statute or rule.

(g) The Department shall open a complaint against any individual or organization issued a citation for intending to sanction or supervise an amateur match without being licensed to do so, who does not immediately cease the activity, or who has sanctioned or supervised an amateur match without being

licensed to do so. Furthermore, the Department shall forward notice of criminal violations to the proper prosecuting authority in accordance with Section 548.008, F.S.

(h) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(i) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the Florida State Boxing Commission Trust Fund for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

Rulemaking Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History—New _____.

61-42.004 Procedure for Mediation.

(1) The department may designate as mediation offenses those complaints where harm caused by the licensee is economic in nature or can be remedied by the licensee.

(2) After the department determines a complaint is legally sufficient and the alleged violations are defined as mediation offenses, the mediator may conduct informal mediation to resolve the complaint. If the complainant and the subject of the complaint agree to a resolution of a complaint within 14 days after contact by the mediator, the mediator shall notify the department of the terms of the resolution. The department shall take no further action unless the complainant and the subject each fail to record with the department an acknowledgment of satisfaction of the terms of mediation within 60 days of the mediator's notification to the department. In the event the complainant and subject fail to reach settlement terms or to record the required acknowledgment, the department shall process the complaint according to the provisions of Rule 61-42.002, F.A.C.

(3) No licensee shall be permitted to engage in the mediation process more than three times without approval from the department. The department may consider the subject and dates of the earlier complaints in rendering its decision. Such decision shall not be considered final agency action for purposes of Chapter 120, F.S.

(4) A department complaint analyst or investigator shall determine the suitability of a complaint for mediation, employing the criteria set forth in Section 455.2235, F.S., Chapter 548, F.S., and the rules adopted by the commission.

(5) Mediation shall be conducted in person or via electronic media or telecommunications, or any combination of the two, as warranted by relevant circumstances of the mediation.

(6) The mediator shall meet with the complainant and licensee together or separately, as warranted by the circumstances of the mediation.

(7) The mediator shall provide a written report to the department of the mediation results within 10 days of the conclusion of the mediation. If the complaint is resolved in mediation, the department shall close the complaint.

(8) If mediation is rejected by either the complainant or licensee, or should the parties fail to reach agreement, the department shall proceed on the complaint in the manner required by Chapter 120, F.S. and Rule 61-42.002, F.A.C.

(9) To determine whether the department will approve a licensee's participation in the mediation process more than three times, the department shall consider factors including the subject, date, disposition, and number of complaints against the licensee, and the licensee's history of compliance with board or department orders.

Rulemaking Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathleen Brown-Blake, Rules Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-50.1265 RULE TITLE: Non-Final Orders

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to articulate the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapters 718 and 720, Florida Statutes.

SUMMARY: The proposed rule articulates the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapter 718 and 720, Florida Statutes

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 conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 718.1255(4) FS.

LAW IMPLEMENTED: 718.1255(3)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-50.1265 Non-Final Orders.

(1) The presiding arbitrator before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case.

(2) When a case is abated, held in abeyance, or administratively closed, no filing fee is necessary to reopen the case or otherwise proceed with the matter.

Rulemaking Authority 718.1255(4) FS. Law Implemented 718.1255(3)(c) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NO.: RULE TITLE:
61B-80.1165 Non-Final Orders

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to articulate the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapter 718 and 720, Florida Statutes.

SUMMARY: The proposed rule articulates the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapter 718 and 720, Florida Statutes.

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 conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 718.1255(4) FS.

LAW IMPLEMENTED: 718.1255(3)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-80.1165 Non-Final Orders.

(1) The presiding arbitrator before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case.

(2) When a case is abated, held in abeyance, or administratively closed, no filing fee is necessary to reopen the case or otherwise proceed with the matter.

Rulemaking Authority 718.1255(4) FS. Law Implemented 718.1255(3)(c) FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: RULE TITLE:
64B8-54.002 Request for Inactive or Retired Status License

PURPOSE AND EFFECT: To add language defining how applications will demonstrate competency to reactivate.

SUMMARY: This proposed rule change clarifies the means by which an active status licensee may request inactive or retired status.

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: During discussion of this rule at its Council meeting, the Council, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Council has determined that this will not have an adverse impact on small business, or likely

increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendment will not require ratification by the Legislature. 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: 456.036(15), 478.43(1), (4), 478.50 FS.

LAW IMPLEMENTED: 456.036(2), (4)(b), (12), 478.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-54.002 Request for Inactive or Retired Status License Inactive and Retired Licensure Status; Reactivating of Licensure, Delinquent Renewal.

~~(1) Ninety (90) days prior to the end of the biennium, the Department shall mail a notice of renewal to the last known address of the inactive or delinquent license holder contained in the official records of the Department.~~

~~(2) Any person holding an inactive license eligible for reactivation may return his license to active status upon submission of a complete application as set out below, to the Department, payment of the fees indicated in Section 456.036, F.S., in the amounts indicated in Rule 64B8-54.004, F.A.C., and compliance with paragraphs (a) and (b), below:~~

~~(a) If the license has been inactive for less than one year after the expiration date of the last active license, the licensee shall submit proof of completion of 30 hours of the continuing education requirements pursuant to Section 478.50(4)(a), (b), F.S., and Rule Chapter 64B8-52, F.A.C.; or~~

~~(b) If the license has been inactive for more than one year after the expiration date of the last active license, the licensee shall submit proof of completion of 10 hours of continuing education for each year the license has been inactive and the 20 hours of continuing education for the last active biennium. All continuing education must comply with the requirements of Section 478.50(4)(a), (b), F.S., and Rule Chapter 64B8-52, F.A.C.~~

~~(3) If the person holds a Florida retired license eligible for reactivation, he or she may return that license to active status upon submission of a complete application to the Department, payment of the appropriate fees and compliance with the provisions of subsection 456.036(12), F.S.~~

~~(1)(4)~~ Any person holding an active license may change the license to inactive status upon submission of a letter to the Electrolysis Council, stating the licensee's intention to change the license to inactive status. If the change is made at the time of license renewal, the licensee must pay the inactive status renewal fee, the delinquency fee if applicable, and the fee to change licensure status, in the amounts indicated in Rule 64B8-54.004, F.A.C. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.

~~(2)(5)~~ A licensee with an active or inactive license wishing to change to retired licensure status during the renewal period must pay the retired license fee. If changing to retired licensure status outside the renewal period, the change of status fee shall also be paid.

~~(6) Failure to renew a delinquent license to either active, inactive or retired status by the expiration date of the current renewal period shall render the license null and void without further action of the Council or Department.~~

Rulemaking Specific Authority 456.036(15), 478.43(1), (4), 478.50 FS. Law Implemented 456.036(2), (4)(b), (12), 478.50 FS. History--New 9-29-93, Formerly 61F6-79.002, 59R-54.002, Amended 4-2-98, 9-26-01, 4-25-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-55.002
RULE TITLE: Citations

PURPOSE AND EFFECT: To streamline the time for payment of fines and completion of education for improved tracking of compliance and to reconcile citation grounds with language of rules pertaining to practice standards.

SUMMARY: The changes update and clarify the language of specific citation violations and update references to specific rules and statutes.

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: During discussion of this rule at its Council meeting, the Council, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Council has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendment will not require ratification by the Legislature. 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: 456.077(1), (2) FS.

LAW IMPLEMENTED: 456.072(3)(b), 456.077(1), (2), 478.51, 478.52 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.002 Citations.

(1) through (2) No change.

(3) All citations include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, unless otherwise specified in this rule and impose whatever obligations necessary to remedy the offense.

(4) The Board designates the following as citation violations:

(a) through (g) No change.	
(h) <u>The presence of</u> animals in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired or physically impaired, <u>as provided by Section 413.08, F.S.</u>	(h) First time violation a \$150.00 fine, second time violation a \$300.00 fine.
(64B8-51.006(3)(e)(4), F.A.C.)	
(i) Failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate citation):	(i) First time violation a \$150.00 fine, second time violation a \$300.00 fine.

1. An FDA registered needle type epilation device in working order. (64B8-51.006(3)(1)(e)1., F.A.C.)	
2. Clean and sterile needles (e.g. probes) and forceps (e.g. tweezers). (64B8-51.006(3)(1)(e)2., F.A.C.)	
3. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other non infectious items. (64B8-51.006(3)(1)(e)6., F.A.C.)	
4. A sharps container <u>as defined in Chapter 64E-16, F.A.C.</u> for disposal of used needles. (64B8-51.006(3)(1)(e)8., F.A.C.)	
5. A sterilizer which shall be either <u>An</u> autoclave or a dry heat sterilizer and color change indicators for use with either sterilizer. (64B8-51.006(3)(1)18.(e)17., F.A.C.)	
6. Monthly records of <u>spore destruction tests sterilizer biological test monitoring which shall be made available to the Department upon request.</u> (64B8-51.006(3)(1)19.(e)18., F.A.C.)	
7. A <u>holding</u> container for soaking and cleaning contaminated instruments. (64B8-51.006(3)(1)20.(e)19., F.A.C.)	
(j) Failure to maintain an appointment record which lists the name of each person who has received electrolysis treatment <u>book.</u> (64B8-51.006(3)(g)(f), F.A.C.)	(j) First time violation a \$150.00 fine, second time violation a \$300.00 fine.
(k) No change.	
(l) Failure to have any one of the following items/equipment (the failure to have any one of the items/equipment shall constitute a separate violation):	(l) First time violation a \$50.00 fine, second time violation a \$100.00 fine, third time violation \$200.00 fine
1. Needle holder tips. (64B8-51.006(3)(f)(e)3., F.A.C.)	
2. A treatment table or chair with a nonporous surface capable of being disinfected. (64B8-51.006(3)(f)(e)4., F.A.C.)	
3. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment. (64B8-51.006(3)(f)(e)5., F.A.C.)	
4. Single use disposable towels. (64B8-51.006(3)(f)(e)7., F.A.C.)	
5. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant. (64B8-51.006(3)(f)(e)9., F.A.C.)	
6. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected. (64B8-51.006(3)(f)(e)10., F.A.C.)	

7. Tuberculocidal hospital grade disinfectant detergent registered by the Environmental Protection Agency, household bleach or wiping cloths presaturated with disinfectant for wiping nonporous surfaces. (64B8-51.006(3)(l)11., F.A.C.)	
8. If eye shields are used, eye shields capable of being cleaned with disinfectant. (64B8-51.006(3)(l)12., F.A.C.)	
9. Covered containers for <u>sterile</u> needles and forceps which containers are capable of being cleaned and sterilized. (64B8-51.006(3)(l)13., F.A.C.)	
10. Betadine, 3% U.S. pharmaceutical grade hydrogen peroxide or 70% isopropyl alcohol or mapped single use wipes saturated with 70% isopropyl alcohol. (64B8-51.006(3)(l)14., F.A.C.)	
11. Clean, non-sterile materials such as Cotton balls, cotton strips, cotton swabs, gauze pads, or and gauze strips. (64B8-51.006(3)(l)15., F.A.C.)	
12. If cloth towels are used, l laundered and sanitized cloth towels stored in a closed, <u>sanitized</u> container or (64B8-51.006(3)(l)16., F.A.C.)	
13. If cloth towels are used, a covered sanitary container for holding used cloth towels. (64B8-51.006(3)(l)17.(e)16., F.A.C.)	
14. Non-sterile disposable examination gloves. (64B8-51.006(3)(l)21.(e)20., F.A.C.)	
15. An FDA registered needle-type epilation devise in working order. (64B8-51.006(3)(f)1., F.A.C.) (m) Failure to comply with continuing education requirements. (64B8-52.002, F.A.C.)	(m) First time violation \$500 fine; and completion of all incomplete continuing education credits, <u>all to be submitted within six (6) months of the citation.</u>
(n) through (s) No change.	
(t) Failure to comply with Section 381.0098, F.S. and Chapter 64E-16, F.A.C., pertaining to biomedical waste.	(t) For first time violation, a \$250 fine

(5) The Board designates the following as electrology citations violations in laser or light based hair removal. Failure to have:

(a) Written designation of laser safety officer. (64B8-51.006(3),(h)5.(g)4., F.A.C.)	First time violation \$150, Subsequent violations \$300
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(b) Appropriate sign on door of laser room as required by ANSI Standard Z136.1-2000, in effect on June 1, 2006, available from American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, N.Y. 10036. (64B8-51.006(3)(h)6.(g)5., F.A.C.)	First time violation \$150, Subsequent violations \$300.
(c) No change.	
(d) Lock on door of laser room. (64B8-51.006(3)(h)7.(g)6., F.A.C.)	First time violation \$150, Subsequent violation \$300.
(e) Fire extinguisher in vicinity of laser room. (64B8-51.006(3)(h)9.(g)8., F.A.C.)	First time violation \$150, Subsequent violation \$300.
(f) through (h) No change.	
(i) Proof of registration for each At least one piece of properly registered laser device equipment located within the electrology facility, as required by Section 501.122, F.S. (64B8-51.006 (3)(h)4.(g)3., F.A.C.)	First time violation \$300, Subsequent violation \$600.
(j) Protective eyewear for all persons in laser room during operation of laser. (64B8-51.006(3)(h)8.(g)7., F.A.C.)	First time violation \$300, Subsequent violation \$600.
(k) Proof of completion of 30 hours of post-licensure education in laser hair removal for all electrologists using laser equipment in the facility. (64B8-52.004 and 64B8-51.006 (3)(h)2., F.A.C.)	First time violation \$500, Subsequent violation \$1,000.
(l) Proof of certification as Certified Medical Electrologist for all persons who use laser equipment in the facility, who are not exempt and are licensed electrologists. (64B8-56.002(2)(b) and 64B8-51.006(3)(h)3., F.A.C.)	First time violation \$500, Subsequent violation \$1,000.

(6) through (7) No change.

Rulemaking Specific Authority 456.077(1), (2) FS. Law Implemented 456.072(3)(b), 456.077(1), (2), 478.51, 478.52 FS. History–New 11-16-93, Formerly 61F6-80.002, Amended 1-2-95, Formerly 59R-55.002, Amended 11-13-97, 10-12-98, 2-11-01, 2-20-02, 11-12-02, 7-16-03, 2-12-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-14.001
 RULE TITLE: Establishment Orders

PURPOSE AND EFFECT: The purpose of the proposed amendment is to clarify that an establishment order or subsequent executive order may include special regulations that apply to established Commission managed lands. The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources.

SUMMARY: The proposed amendment clarifies that special regulations may be created on established Commission managed lands by establishment order or subsequent executive order. This would allow the agency to respond quickly to allow such activities as short-term hunting or fishing opportunities.

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 nature of the rule and the preliminary analysis was conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.2223, 375.313 FS.

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

DATES AND TIME: During the Commission's regular meeting September 6-7, 2012, 8:30 a.m. – 5:00 p.m., each day
PLACE: Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida 33607

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 ADA Coordinator, at (850)488-6411. 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-14.001 Establishment Orders.

Whenever the Commission establishes an area to be a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; or a miscellaneous area, it shall do so by an establishment order.

(1) No change.

(2) An establishment order or subsequent executive order may create special regulations for an area established pursuant to this section, notwithstanding regulations for the wildlife management area, wildlife and environmental area, fish management area, public small game hunting area or miscellaneous area within which it occurs. Such regulations shall be noticed by posting on the area and by electronic media.

~~(3)~~(2) The establishment orders shall be kept by the Commission in its headquarters office and lists of all orders establishing an area as a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; a Commission managed shooting range or a miscellaneous area shall be kept by the Commission in its headquarters office and shall be available to the public for inspection.

~~(4)~~(3) Public small-game hunting areas may be established within wildlife management areas, wildlife and environmental areas, fish management areas, and public use areas pursuant to Rule 68A-13.007, F.A.C. Regulations for each public small-game hunting area so established shall supersede regulations for the wildlife management area, wildlife and environmental area, fish management area or miscellaneous public use area within which it occurs.

~~(5)~~(4) No critical wildlife area shall be established without the prior concurrence in such designation by the owner of the property wherein the area will be situated.

~~(6)~~(5) A critical wildlife area may be established by order of the Executive Director, with prior concurrence of the Chairman of the Commission, when there is an imperative need that an important aggregation of fish or wildlife be protected as quickly as possible. Critical wildlife areas shall be established in this manner for a specified period of time that shall not exceed 180 days unless extended by approval of the Commission at a regularly scheduled public meeting.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 7-1-08, 7-1-09, 7-20-09, 7-1-10, 7-1-11, 7-1-12,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.062
RULE TITLE: Specific Regulations for Wildlife Management Areas – North Central Region

PURPOSE AND EFFECT: The purpose of the proposed amendment would revise specific area regulations on Big Bend Wildlife Management Area (WMA) – Spring Creek Unit to prohibit the take of wild hogs with dogs. The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources and public recreation on Commission managed land.

SUMMARY: The proposed rule amendment would prohibit the take of wild hog by the use of dogs on Big Bend WMA – Spring Creek Unit. This would address complaints regarding hog dog trespass onto private lands.

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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.2223, 375.313 FS.

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

DATES AND TIME: During the Commission’s regular meeting September 6-7, 2012, 8:30 a.m. – 5:00 p.m., each day
PLACE: Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida 33607

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 ADA Coordinator, at (850)488-6411. 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.062 Specific Regulations for Wildlife Management Areas – North Central Region.

- (1) through (6) No change.
- (7) Big Bend Wildlife Management Area – Spring Creek Unit.
 - (a) through (c) No change.
 - (d) General regulations:
 - 1. through 7. No change.
 - 8. Taking wild hog by the use of dogs is prohibited.
 - (8) through (41) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 7-1-08, 7-1-09, 7-20-09, 7-1-10, 7-1-11, 7-1-12_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-18.003
 RULE TITLE: Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops

PURPOSE AND EFFECT: The purpose of this rule amendment is to extend the bay scallop recreational harvest season by two weeks. This proposed rule was requested by counties and the public in the region. The bay scallop season has been extended the past two years and the population continues to remain stable. The effect of this rule would extend the season for two weeks which would benefit local businesses by bringing people in during a time when other fisheries are closed and visitors typically decrease.

SUMMARY: Rule 68B-18.003 would be amended by changing the date of the season closure to allow an additional two weeks at the end of the season. The season would change from July 1 through September 10 to July 1 through September 24.

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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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: During the Commission’s regular meeting September 5-6, 2012, 8:30 a.m. – 5:00 p.m., each day

PLACE: Doubletree Hotel (Meeting and Rooms), 4500 West Cypress Street, Tampa, Florida 33607

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 ADA Coordinator, at (850)488-6411. 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: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-18.003 Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops.

(1) Bay scallops shall only be harvested during the open season, which is from July 1 through September ~~24~~ ²⁴ of each year.

(2) No person shall harvest in or from the waters of the state, land, or possess while in or on the waters of the state any bay scallop during the period beginning on September ~~25~~ ²⁵ of each year and continuing through June 30 of the following year.

(3) through (4) No change.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 6-13-85, Amended 6-15-94, 3-1-95, 7-15-96, 7-1-97, Formerly 46-18.003, Amended 6-2-02, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Aquatic Plants

RULE NOS.:	RULE TITLES:
68F-54.001	Program Criteria and Standards
68F-54.003	Definitions
68F-54.0035	Waters Eligible and Eligibility Criteria for Aquatic Plant Management Funds
68F-54.005	Approval, Allocation, and Disbursement Procedures for Aquatic Plant Management Funds

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to clarify that the program does not operate as a grants program but rather operates as a cost reimbursement program utilizing government agencies and private sector contractors to manage aquatic plants in public water bodies. Further, additional waters are being added to the list of waters eligible for funding of aquatic plant management.

SUMMARY: References to grant(s), grantee, and other terms related to grants, are changed to contract(s), contractor(s), and other contract related terms. Clarifies that when the U.S. Environmental Protection Agency approves the use of an aquatic herbicide in potable waters and requires no water use restrictions after its application to potable waters, the product may be used without complying with the setback distances or the water treatment plant notification procedures stated in this rule. Definitions no longer used in the rule are eliminated and

definitions are added for terms that are new to the rule. Forms that are no longer used are eliminated. Commission managed lands and state-owned springs or spring runs are added to the list of waters that are eligible for funds to manage aquatic plants.

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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: 369.20, 369.22, 379.1025 FS. LAW IMPLEMENTED: 369.20, 369.22, 403.088, 120.60 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Caton, Section Leader Invasive Plant Management Section, 3900 Commonwealth Blvd. MS 705, Tallahassee, FL 32399-3000

THE FULL TEXT OF THE PROPOSED RULE IS:

68F-54.001 Program Criteria and Standards.

(1) ~~The State of Florida Legislature, and the United States Army Corps of Engineers provides~~ provide funds to the Commission annually through the Invasive Aquatic Plant Control Management Trust Fund to ~~water management districts and local governments to implement maintenance programs~~ for the management of aquatic plants. ~~After federal and state appropriation, the Corps and the Florida Legislature provide funds to the commission annually for this purpose.~~

(2) Funds are allocated by the Commission to government agency and private sector contractors grant applicants, after evaluation of workplans workplan and associated budgets budget requests submitted for eligible waters, in accordance with eligibility standards and priorities established in this chapter. The Commission then monitors and assists contractors grantees to ensure the appropriate management of aquatic plants and funds.

(3) No change.

(4) Applying the maintenance program management policy to noxious aquatic plants shall include the following actions:

(a) through (d) No change.

(e) Coordinating with and seeking comments from stakeholders including other agencies and local governments.

(f) ~~In cooperation with the Corps, water management districts and local governments, The Commission is authorized to contract with government agencies and private sector organizations for the management of aquatic plants in waters of the state.~~

(g) The Commission is authorized to reimburse any government agency or private sector company with which it has entered into a contractual agreement to disburse funds to any water management district or local government charged with the responsibility of manage managing aquatic plants, subject to the eligibility requirements of this chapter.

(h) The Commission is responsible for determining that funds are spent in accordance with ~~the annual workplans workplan, task assignments and contracts grant agreement, Chapter 16A-11, F.A.C. (Grant and Contract Accountability Policy which is available from the section), and O.M.B. Circular A-87 effective date 28 January 1981 (Federal Office of Management and Budget Cost Principles Manual for State and Local Governments, which is hereby incorporated by reference and is available from the section). The commission shall follow the criteria in this chapter for the disbursement of funds.~~

(i) The Commission shall reimburse contractors disburse funds to the program grantees based on the available funds, program eligibility, program priorities, and the method of reimbursement allocation as defined in this chapter. To compensate for limitations in the planning cycle prior to the end of the fiscal year, the Commission is authorized to review allocations to contractors contract grantees to determine if additional funds are needed or if excess funds are available for reallocation to management programs efforts in need of additional funds.

(5) Herbicide Management Standards:

(a) No change.

(b) Herbicides with label labels restrictions for potable water use which do not indicate a potable water intake setback distance must not be used to manage floating plants within 0.5 miles of a functioning potable water intake permitted by the Department of Environmental Protection in a lake or within 2.0 miles upstream or 0.5 miles downstream of a functioning potable water intake permitted by the Department of Environmental Protection in a river system. There are no setback requirements when using herbicides that do not have restrictions on the label for potable water use.

(c) When used to manage aquatic vegetation other than floating plants, herbicides with label restrictions for potable water use which do not indicate without a potable water

setback distance must not be used within 2.0 miles of a functioning potable water intake permitted by the Department of Environmental Protection in a lake or within 2.0 miles upstream or 0.5 miles downstream of a functioning potable water intake permitted by the Department of Environmental Protection in a river system. There are no setback requirements when using herbicides that do not have restrictions on the label for potable water use.

(d) When management activities, using a herbicide with label restrictions for potable water use which does not have without a potable water setback distance, are to take place within 2.0 miles of a functioning potable water intake permitted by the Department of Environmental Protection in a lake, or within 2.0 miles upstream or 0.5 miles downstream of a functioning potable water intake permitted by the Department of Environmental Protection in a river system, written notice by certified mail must be given to the operator of the water treatment plant and to the section at least one week prior to the treatment activity, unless an alternative notification system has been previously approved by the Commission. There are no requirements to notify water treatment plant operators or the section when using herbicides that do not have restrictions on the label for potable water use.

(e) When more than one herbicide is registered for use in an aquatic site, the Commission shall require the use of the herbicide which it determines has the least adverse effect upon human health, safety, recreational uses, non-target plants, fish, and wildlife. In determining which herbicide shall be used, the following criteria shall be considered:

1. through 3. No change.

(f) through (g) No change.

(h) Management activities using herbicides shall not be permitted in manatee aggregation sites when manatees are present except when automatic herbicide spreaders operating on timing devices have been authorized in the workplan by a permit.

(i) When manatees are sighted in a control area, all herbicide control operations must cease immediately, (except when automatic herbicide spreaders operating on timing devices have been authorized in the workplan by a permit), and shall not be resumed until all manatees have left the control area of their own volition. No manatee may be herded or harassed into leaving the control area.

(j) No change.

(6) Mechanical and Physical Management Standards:

(a) Mechanical aquatic plant management operations shall be conducted in a manner which will not cause further significant spread of noxious aquatic plant species. All cut or harvested aquatic vegetation shall be deposited as prescribed in the workplan permit. No substrate is authorized to be recontoured or removed under an aquatic plant management workplan permit.

(b) No change.

(7) Biological Management Standards:

(a) The use of fish as biological management for aquatic plants requires authorization ~~a permit~~ from the Commission which has statutory authority for the regulation of the use of fish.

(b) No change.

Rulemaking Specific Authority ~~370.021(1)~~, 369.20, 369.22 FS. Law Implemented 403.088, 369.20, 369.22 FS. History—New 1-7-87, Amended 5-30-93, Formerly 16C-54.001, 62C-54.001, Amended _____.

68F-54.003 Definitions.

(1) ~~“Amendment” means a formalized modification of an existing grant agreement.~~

(2) ~~“Applicant” means any water management district or local government charged with the responsibility of managing aquatic plants which has requested financial assistance for such management from the commission.~~

(1)(3) ~~“Aquatic plant” means any plant, including a floating, emersed, submersed or ditchbank species, growing in or closely associated with an aquatic environment, and includes any part or seed of such plant. This includes those species listed in Section 369.251, F.S.~~

(2)(4) ~~“Budget” means the detailed anticipated expenditures including anticipated federal, state or local funds which are within the categories designated eligible by this chapter for the fiscal year for which funding is being allocated requested.~~

(3) ~~“Commission” means the Florida Fish and Wildlife Conservation Commission.~~

(5) ~~“Section” means the Invasive Plant Management Section, an administrative subdivision of the Florida Fish and Wildlife Conservation Commission located at 3900 Commonwealth Blvd., MS 705, Tallahassee, FL 32399-3000, Telephone (850)245-2809.~~

(4)(6) No change.

(5) ~~“Contract” means a written agreement which outlines the obligations of the Commission and the contractor and constitutes an aquatic plant control permit under subsection 68F-20.002(8), F.A.C.~~

(6) ~~“Contractor” means any government agency or private sector company with which the Commission has entered into a contractual agreement to reimburse eligible costs associated with managing aquatic plants.~~

(7) through (8) No change.

(9) ~~“Commission” means the Florida Fish and Wildlife Conservation Commission.~~

(9)(10) No change.

(11) ~~“District” means any one of the five water management districts listed in Section 373.069, F.S.~~

(10)(12) ~~“Eligible costs” means costs identified by the contract O.M.B. Circular A-87, Chapter 16A-11, F.A.C., or the grant agreement as being reimbursable.~~

(11)(13) ~~“Federal funds” means those aquatic plant management funds provided by the Corps.~~

(12)(14) ~~“Fiscal year” means the state federal fiscal year, July October 1 through June September 30.~~

(15) ~~“Flood control waters” means any permanent waterbody which is primarily used to manage the flow of water to protect human health and safety, and prevent injury to plant life, animal life, and property.~~

(16) ~~“Grant agreement” means a written agreement which outlines the obligations of the commission and the grantee.~~

(17) ~~“Grantee” means any applicant which has been approved for aquatic plant management funding.~~

(18) through (19) renumbered (13) through (14) No change.

(15)(20) ~~“Maintenance program” means a method for the management of aquatic plants in which techniques are used in a coordinated manner, on a continuous or periodic basis, in order to maintain the target plant population at the lowest feasible level funding and technology will permit as determined by the Commission.~~

(16)(21) ~~“Manatee aggregation site” means a specific area within a waterbody or canal system where manatees periodically congregate, as identified by the section in consultation with the U.S. Fish and Wildlife Service and the Commission’s Imperiled Species Management Section.~~

(22) ~~“Native aquatic plant” means any aquatic plant that is indigenous to the State of Florida, as determined by the commission. In making this determination, the commission shall consider data contained in generally accepted scientific literature.~~

(17)(23) No change.

(24) ~~“Recreational waters” means waters accessible to the general public, used primarily for recreational purposes, and which are aquatic sites in sovereignty lands.~~

(18) ~~“Section” means the Invasive Plant Management Section, an administrative subdivision of the Florida Fish and Wildlife Conservation Commission.~~

(19)(25) No change.

(20)(26) No change.

(21) ~~“Task assignment” means an executed agreement between the Commission and the contractor that authorizes all of the workplans and an approved budget for the contractor’s area of operations for a given fiscal year.~~

(22)(27) No change.

(23)(28) ~~“Workplan” means an outline of the anticipated the commission approved detailed outline of the aquatic plant management operations to be conducted on a given waterbody and an approved budget for a given fiscal year.~~

Rulemaking Specific Authority ~~370.021(1)~~, 369.20, 369.22 FS. Law Implemented 369.20, ~~369.251~~, 369.22 FS. History—New 1-7-87, Amended 5-30-93, Formerly 16C-54.003, 62C-54.003, Amended _____.

68F-54.0035 Waters Eligible and Eligibility Criteria for Aquatic Plant Management Funds.

(1) The ~~C~~ommission is authorized to enter into contracts grant agreements for the purpose of managing noxious aquatic plants in sovereignty lands, or those sites which might adversely impact sovereignty lands. ~~Applications for grants are made on FWC Form 50-035(16). An executed grant agreement shall serve as proof that the applicant (grantee) has sufficient funds on hand to satisfy any funding match requirement.~~ Approval of control techniques and program approval are contained in the individual workplans workplan for each waterbody which are compiled into a task assignment will become attachment A-1 of the grant agreement.

(2) In order for state and federal aquatic plant management funds to be considered, waters for which these funds are requested must meet the following eligibility criteria:

(a) The waterbody must be sovereignty lands, or Commission managed lands such as a Fish Management Area or Wildlife Management Area, or a site which might adversely impact sovereignty lands or Commission managed lands, or a state-owned spring or spring run.

(b) For sovereignty lands, the waterbody must have access to the boating public by way of an established, improved boat ramp or a direct navigable connection to an eligible waterbody.

1.(e) There must be a sign at the boat ramp stating that it is a public boat ramp or use area.

2. A ramp fee may be charged provided that the fee is not unreasonable (in keeping with ramp fees charged in the area).

3.(d) There must be at least one directional sign on the nearest paved roadway indicating the way to the public boat ramp.

4.(e) The boat ramp must have sufficient space to safely turn a vehicle and trailer around and ample parking space within one quarter mile distance from the boat ramp.

(3) Commission approval shall be the execution of the task assignment grant agreement between the contractor applicant and the ~~C~~ommission. ~~The applicant shall be notified in writing of application deficiencies or denial.~~

Rulemaking Specific Authority 370.021, 369.20, 369.22 FS. Law Implemented 369.20, 369.22 FS. History—New 5-30-93, Formerly 16C-54.0035, 62C-54.0035, Amended _____.

68F-54.005 Approval, Allocation, and Disbursement Procedures for Aquatic Plant Management Funds.

(1) Workplan requests ~~The applications for funds~~ shall be reviewed and approved by the section staff to determine compliance with this chapter.

(a) ~~Applicants submitting insufficient information or unreasonable cost estimates to support the allocation of funds will be notified and advised of such deficiency in writing. The~~

~~applicant shall have 30 days from the date of notification to furnish the additional information. The date of submission of the additional information shall be the postmarked date.~~

(b) ~~Applicants denied funds shall be notified in writing as to the reason for such denial.~~

(2) Although a waterbody may meet eligibility criteria, funding and workforce availability may be insufficient to manage noxious plants for a period of time. ~~When federal or state funds are involved, T~~he section shall allocate disperse funds according to the following priorities, with 1 being the highest priority, and the additional considerations listed in subsection 68F-54.005(3), F.A.C.:

Priority 1: (a) To manage waterhyacinth and waterlettuce, including those plants in waters which could infest connected eligible lakes and rivers.

Priority 2: (b) To manage new hydrilla infestations, particularly those at boat ramps or in waters connected to eligible waters which contain little or no hydrilla.

Priority 3: (c) To manage any noxious aquatic plant restricting access at public boat ramps, or to establish trails which connect boat ramps to major use areas.

Priority 4: (d) To provide open areas in dense stands of hydrilla for navigation and recreational use.

Priority 5: (e) To provide for large scale hydrilla management operations.

Priority 6: (f) To provide open areas in dense stands of other noxious plants for navigation and recreational use.

Priority 7: (g) To manage noxious plants in residential or dead end canals and which are connected to eligible waters, unless they contain: waterhyacinth or waterlettuce, or hydrilla when there is a navigable connection to an eligible water and the eligible water contains little or no hydrilla.

~~1. Waterhyacinth or waterlettuce.~~

~~2. Hydrilla, and there is a navigable connection to an eligible water, and the eligible water contains little or no hydrilla.~~

(3) ~~When federal or state funding is involved, T~~he ~~section~~ commission shall allocate funds for an individual waterbody using the criteria established in subsection 68F-54.005(2), F.A.C., with consideration being given to the following factors:

(a) No change.

(b) Availability of local funds or in-kind services for matching state or federal funds.

(c) through (h) No change.

(4) A task assignment grant agreement shall be executed by the ~~C~~ommission with the contractor grantee prior to any aquatic plant management activities being eligible for reimbursement. ~~This grant agreement shall contain the mutual obligations of the commission and the grantee.~~

(5) Reimbursement shall be based on accounting for actual costs and shall be the means for identifying and distributing allowable costs in the program. All invoices reporting forms

for a given month shall be provided to the Commission for determination of reimbursement no later than the 20th day of the following month. The commission shall have thirty (30) days in which to review, inspect, and accept the contractor's grantee's work effort and associated reimbursement documentation. Incomplete or incorrect invoices reports submitted shall be returned by the Commission for correction to the contractor grantee within thirty (30) days of receipt. The corrected invoice report shall be returned to the Commission no later than the 20th day following the day of receipt by the contractor grantee. The commission shall reimburse the contractor grantee monthly upon receipt of a properly certified invoice. The following certification statement shall appear on the invoice, "I certify that the above bill is correct and just and that payment thereof has not been received; I further certify that the contractor and all sub-contractors employed on the work have complied with the labor standards provision of the contract." The contractor grantee shall keep separate cost accounting records for this program from which the invoice shall be prepared.

Rulemaking Specific Authority ~~370.021(1)~~, 369.20, 369.22 FS. Law Implemented 369.20, 369.22, 120.60 FS. History—New 1-7-87, Amended 5-30-93, Formerly 16C-54.005, 62C-54.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Sutton, Habitat and Species Conservation Director, 620 S. Meridian Street, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-58.001	Administration and General Requirements
69A-58.002	Scope: New Construction and Existing Facilities
69A-58.003	Definitions
69A-58.0031	New Construction
69A-58.004	Firesafety Inspections
69A-58.0041	Charter Schools
69A-58.005	Serious Life Safety Hazards
69A-58.007	Counties, Municipalities, and Independent Special Fire Control Districts Having Firesafety Responsibilities, Without Firesafety Inspectors

69A-58.0083	Protection from Hazards
69A-58.0084	Seclusion Time-Out Rooms
69A-58.009	Florida Firesafety School Evaluation System

PURPOSE AND EFFECT: The proposed amendments will update the rules in Chapter 69A-58, F.A.C., and will implement the changes made by Chapter 2011-79, Laws of Florida.

SUMMARY: The term "special district" has been changed to "independent special fire control district" to conform to the language used in the new law. Rule 69A-58.003, F.A.C., adds a definition of "board," "board fire official," and "independent special fire control district." Rule 69A-58.0031, F.A.C., is amended to require school boards to submit a copy of the site plan for each new facility and new facility addition exceeding 2,500 square feet to the local fire official for review in accordance with Section 1013.38, F.S. Rule 69A-58.004, F.A.C., is amended to require only one annual inspection of educational facilities and specifies the procedures for electronic submission of the inspection certification. Rule 69A-58.0041, F.A.C., is added to require charter schools to undergo firesafety inspections in accordance with Section 1013.12, F.S.

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 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 economic analysis conducted by the Department showed that: (1) no requirement for a SERC was triggered under Section 120.541(1), F.S., and (2) based on the Department's past experience with rules of this nature, the adverse impact or regulatory cost, if any, will not exceed any of the criteria set forth in Section 120.541(2), F.S.

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: 633.01(1), (7), 1013.12(1) FS.

LAW IMPLEMENTED: 633.01(7), 633.0215(13), 633.022, 633.025, 1013.12, 1013.371, 1013.38 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATES AND TIME: September 4, 2012, 10:00 a.m.; September 5, 2012, 10:00 a.m.

PLACE: September 4, 2012 – 3rd Floor Conference Room, The Atrium Building, 325 John Knox Rd., Tallahassee, FL; September 5, 2012 – Florida State Fire College, Auditorium, 11655 N.W. Gainesville Rd., Ocala, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Charles Frank at (850)413-3747 or Charles.Frank@MyFloridaCFO.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 RULES IS: Charles Frank, Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342; (850)413-3747 or Charles.Frank@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-58.001 Administration and General Requirements.

The Division of State Fire Marshal in consultation with the Department of Education hereby adopts firesafety rules for the use by board fire officials ~~boards~~ and local fire officials when conducting plans reviews for new construction and firesafety inspections of new construction and existing buildings located in educational facilities, educational plants, ancillary plants, and auxiliary facilities to ensure the safety of occupants.

~~Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.001, Amended 11-26-06, _____.~~

69A-58.002 Scope: New Construction and Existing Facilities.

(1) This rule chapter establishes uniform requirements to provide a reasonable degree of safety from fire in new construction and existing buildings located in educational facilities, educational plants, ancillary plants, and auxiliary facilities under the jurisdiction of a district school board or a public community college board of trustees.

(2) through (5) No change.

(6) Public Community colleges shall comply with the applicable chapters of NFPA 1 and NFPA 101, the Florida editions adopted in Rule 69A-3.012, F.A.C., in accordance with the following:

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

(7) Nothing contained in these rules prohibits a county, municipality, or independent special fire control district having firesafety responsibility and a district school board or public community college board of trustees from entering into an

agreement or an understanding which governs inspections, reviews, and approvals of new construction in the subject jurisdiction.

(8) In the event of a conflict between the local fire official and the board fire official on the requirement or interpretation of any provision of this rule chapter or Rule Chapter 69A-60, F.A.C., or the Florida Fire Prevention Code, the conflict shall be resolved by agreement between the local fire official and the board fire official in favor of the requirement or interpretation of the code which offers the greatest degree of life safety or alternatives which would provide an equivalent degree of life safety and an equivalent method of construction.

(9) If the local fire official and the board fire official are unable to agree on which requirement, interpretation, or system provides the highest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction, either official may petition the division for a declaratory statement in accordance with Section 120.565, F.S., and any rules applicable thereto, setting forth each one's positions and reasons therefor. If both the board fire official and the local fire official choose to file a petition, a joint petition should be filed. The division will make every effort to expedite the process of issuing a declaratory statement commensurate, however, with the time and publication requirements of Chapter 120, F.S.

(10) The local fire official and the board fire official are permitted to seek an informal nonbinding interpretation pursuant to Rule 69A-60.011, F.A.C. If such an informal opinion is requested, the request shall be given the highest priority by the Florida Fire Prevention Code Interpretations Committee and every effort shall be made to expedite a response.

~~Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.0215(13), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.002, Amended 11-26-06, _____.~~

69A-58.003 Definitions.

As used in this rule chapter, the following definitions apply:

(1) through (2) No change.

(3) “Board” means the ~~school~~ district school board or public community college board of trustees ~~employing or contracting with a firesafety inspector certified pursuant to Section 633.081(2), F.S., with jurisdiction to make inspections of buildings and to enforce the firesafety codes, as required by these rules, which establish standards for design, construction, erection, alteration, repair, modification, or demolition of school district and public college buildings, structures, or facilities.~~

(4) “Board fire official” means the firesafety inspector certified pursuant to Section 633.081(2), F.S., who is appointed by the board under Section 1013.371(2), F.S.

~~(5)(4)~~ “Building” or “board building” means any building or structure located on, upon, or in any educational facility, educational plant, ancillary plant, or auxiliary facility owned, rented, leased, or under lease-purchase agreement or lease-purchase option with a board. These terms include “Building” includes any permanent, fixed, relocatable, and manufactured building or structure.

~~(6)(5)~~ “Division,” including the lower case “division,” means the Division of State Fire Marshal of the Department of Financial Services.

~~(7)(6)~~ “Educational facilities” means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by the boards. As used in these rules and unless otherwise clearly indicated by the context, “educational facilities” includes each educational facility, educational plant, ancillary plant, and auxiliary facility and all buildings and structures contained therein and thereon.

~~(8)(7)~~ “Educational plant” comprises the educational facilities, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the education program of each plant.

~~(9)(8)~~ “Existing facility” means a facility or building that has been issued a certificate of occupancy prior to the effective date of this edition of this rule chapter.

~~(10)(9)~~ “Florida Building Code” means the Florida Building Code as adopted in Rule ~~61G20-1.001~~ 9B-3.047, F.A.C., adopted pursuant to Section 552.73, F.S.

~~(11)(10)~~ “FISH” means Florida Inventory of School Houses.

~~(12)(11)~~ “Florida Fire Prevention Code” means the Florida Fire Prevention Code as adopted in Rule 69A-3.012, F.A.C.

~~(13)~~ “Independent special fire control district” means an independent special district as defined in Section 191.003(5), F.S., that was created for the purposes of fire prevention, fire suppression, or fire protection.

~~(14)(12)~~ “Local fire official” ~~or “fire official”~~ means the county, municipality, or independent special fire control district having firesafety responsibility employing or contracting with a firesafety inspector certified pursuant to Section 633.081(2), F.S., with jurisdiction to make inspections of buildings and to enforce the firesafety codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities or, where the context requires, the State Fire Marshal, as referred to in Section 1013.12~~(3)(2)~~ (b), F.S.

~~(15)(13)~~ “New facility”~~2-~~ means a facility that has not been occupied nor issued a building permit prior to the effective date of this edition of this rule chapter.

~~(16)(14)~~ “NFPA 1” means the National Fire Protection Association Code 1, entitled the ~~“Uniform Fire Code,”~~ the Florida edition as adopted in Rule 69A-3.012, F.A.C.

~~(17)(15)~~ “NFPA 101” means the National Fire Protection Association Code 101, entitled the ~~“Life Safety Code,”~~ the Florida edition as adopted in Rule 69A-3.012, F.A.C.

~~(16)~~ ~~“Special district that has firesafety enforcement responsibilities” means a special fire control district or a special district which was created for the purposes of fire prevention, fire suppression, or fire protection.~~

~~(18)(17)~~ “Student-occupied space” means any area planned primarily for use by six or more students.

~~(19)(18)~~ The definitions in Section 1013.01, F.S., of words and terms found in Section 1013.12, F.S., or of words or terms found in this rule chapter apply to this rule chapter; however, in the event of a conflict between the definitions in Section 1013.01 or 1013.12, F.S., and these rules, the definitions in Sections 1013.01 and 1013.12, F.S., shall control.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.003, Amended 11-26-06, _____.

69A-58.0031 New Construction.

(1) New construction and new buildings are subject to and controlled by NFPA 1, the edition as adopted in Rule 69A-3.012, F.A.C., in Chapter 202, relating to ~~“Educational Occupancies”~~ and NFPA 101, the edition as adopted in Rule 69A-3.012, F.A.C., Chapter 14, ~~“New Educational Occupancies,”~~ except where specifically otherwise provided in this rule chapter.

(2) Notwithstanding any rule or adopted code or standard in conflict herewith, the following procedures apply with respect to new construction and new buildings.

(a) Prior to commencement of any new construction or remodeling:

1. The board shall submit for review at least one copy of the site plan for each new facility and each new facility addition exceeding 2,500 square feet to the local fire official providing fire-protection to the facility in accordance with Section 1013.38(1), F.S.

2. All site plans reviewed by the local fire official shall be reviewed in accordance with Section 1013.38(1), F.S.

~~3.-~~ The board shall approve or cause to be approved the plans, drawings, designs, proposals, blueprints, and other construction or remodeling documents and evaluate the same for complete compliance with the Florida Fire Prevention Code, ~~in accordance with Section 1013.38(1), F.S., or~~

4.2- In addition to the site plans submitted, the ~~The~~ board ~~may~~ must show compliance with all applicable firesafety codes and standards by at least one of the ~~other~~ means provided in Section 1013.38(2)(a) through (d), F.S.

(b) through (c) No change.

(3) The board must show compliance with all applicable firesafety codes and standards by contracting with a firesafety inspector certified under Section 633.081, F.S.

(4)(3) A certificate of occupancy shall not be issued until the board's certified building official has determined that the building or structure and its site conditions comply with all applicable statutes, these rules, and all applicable firesafety codes and standards.

(5)(4) Horizontal exits referenced in NFPA 101, section 14.2.2.5 and exit passageways referenced in NFPA 101, section 14.2.2.7 are prohibited.

Rulemaking Specific Authority 633.01(1), (7), 1013.12 FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 11-26-06, Amended _____.

69A-58.004 Firesafety Inspections.

(1) There shall be one required two annual inspection inspections of existing educational facilities, ancillary plants, and auxiliary facilities, as follows:

(a) Pursuant to Section 1013.12(2)(c)(1)(b), F.S., a firesafety inspection of each building of each educational plant and each ancillary plant shall be made annually by the board.

(b) Pursuant to Section 1013.12(3)(2)(b), F.S., a firesafety inspection of each building of each educational plant and each ancillary plant may shall be made annually by the local fire official.

(2) No change.

(a) through (c) No change.

(d) Are permitted and encouraged to be conducted jointly by the board fire official and the local fire official and documented on one inspection form. If the inspection is performed jointly, the inspection form shall clearly identify the name and certification number of each inspector and his or her employer. Each inspector must sign the inspection report.

(3) through (4) No change.

(5) Each inspection report and plan of correction shall contain, at a minimum, the following information:

(a) The name of the school district or public college;

(b) The name of the board fire official and the local fire official (i.e., municipality, county, or independent special fire control district);

(c) The name of the facility inspected;

(d) The type of facility inspected (i.e., K-5, 6-9, 10-12, CC, other);

(e) through (f) No change.

(g) The name, address, and phone number of each inspector, and the designation of whether such inspector is employed by or under contract with a board or is a board fire official or local fire official;

(h) No change.

(i) No change.

1. through 7. No change.

8. A statement that the district or board has or has not complied with Section 1013.12(2)(c)(1)(e), F.S., as applicable;

9. A statement that the county, municipality, or independent special fire control district having firesafety responsibilities has or has not complied with Section 1013.12(3)(b)(2)(e), F.S., as applicable;

10. through 11. No change.

(6) The inspection ~~reports~~ required by subsection (1) shall be certified submitted to the division by June 30 of each year.

(a) The board conducting a fire safety inspection under paragraph (1)(a) shall certify to the division that the inspection has been completed by electronically entering the required information regarding the inspection into either:

~~1. Forward one copy of the completed inspection report for each inspection conducted by the board to the division electronically by entering it into the "School Inspection Reporting System" database; or~~

~~2. Submit the report in any legible format with each violation coded in accordance with Form DFS-KL3-1674 (Rev. 02-06) the "School Inspection Reporting System" adopted herein by reference, and retain the original or a copy thereof. A copy of the form can be obtained at the Department's website located at www.fldfs.com/SFM/, or by mailing a request to The Florida State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.~~

(b) The local fire official conducting a firesafety inspection under paragraph (1)(b) shall certify to the division that the inspection has been completed by electronically entering the required information regarding the inspection into either:

~~1. Forward one copy of the completed inspection report for each inspection conducted by the local fire official to the division electronically by entering it into the "School Inspection Reporting System" database; or~~

~~2. Submit the report in any legible format with each violation coded in accordance with Form DFS-KL3-1674 (Rev. 02-06) adopted herein by reference, and retain the original or copy thereof.~~

(c) The inspection report resulting from a joint inspection shall be certified submitted by the board.

(d) No change.

(7) Any firesafety inspector certified in accordance with Section 633.081, F.S., or other designated employee authorized by a unit of government ~~who is certified in accordance with Section 633.081(2) or Section 633.081(3), F.S.,~~ may access enter the "School Inspection Reporting System" via the internet at <http://sfm.bebr.ufl.edu/> <http://app.bebr.ufl.edu/egroupware/login.php?ed=1>. Inspection authorities and the public You may also access the "School Inspection Reporting System" through the Division's website located at www.myfloridacfo.com/SFM/, www.fldfs.com/SFM/.

Rulemaking Specific Authority 633.01(1), (7), 633.022, 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.004, Amended 11-26-06, 5-18-08, _____.

69A-58.0041 Charter Schools.

(1) All authorized charter schools located on property that is owned or leased by a school district or a public college shall be inspected in accordance with Section 1013.12(2)(c), F.S., and the provisions of this rule chapter.

(2) All other authorized charter schools shall be inspected by the local fire official providing emergency services to the charter school in accordance with Section 1013.12(5)(b), F.S., and the provisions of this rule chapter.

(3) Inspections of charter schools shall be certified to the division using the same procedure as all other public schools and colleges in accordance with Rule 69A-58.004(6) F.A.C.

Rulemaking Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 663.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New _____.

69A-58.005 Serious Life Safety Hazards.

(1) No change.

(2)(a) 1. through 7. No change.

(b) Other conditions may be identified to the division by the board fire official or local fire official for designation as a serious life safety hazard, including but not limited to:

(b)1. through 3. No change.

(c) No change.

1. No change.

a. through c. No change.

2. Hazard of contents shall be determined by the board fire official or local fire official on the basis of the character of the contents and the processes or operations conducted in the building or structure. For the purposes of these rules, where different degrees or hazard of contents exists in different parts of a building or structure, the most hazardous shall govern the classification unless hazardous areas are separated or protected as specified in section 8.4 and the applicable sections of Chapters 11 through 42 of NFPA 101, the edition as adopted in Rule 69A-3.012, F.A.C.; or

3. Upon a finding of a dangerous condition consistent with the criteria located in NFPA 1, section 3.3.39.1 3-3.32.1, the edition as adopted in Rule 69A-3.012, F.A.C., for extra high hazard occupancies, based on the total amount of Class A combustibles and Class B flammables present, in storage, production, use, finished product, or combination thereof, and when such material is over and above those expected in occupancies classed as ordinary (moderate) hazard. Those areas or occupancies could consist of woodworking, vehicle repair, cooking areas, product displays, and storage and manufacturing processes such as painting and coating, including flammable liquid handling. Also included is warehousing of or in-process storage of other than Class I and

Class II commodities as defined by NFPA 13, *Standard for the Installation of Sprinkler Systems*, section 5.6.3 40-1-5-3, the edition as adopted in Rule 69A-3.012, F.A.C.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1), (8) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.005, Amended 11-26-06, _____.

69A-58.007 Counties, Municipalities, and Independent Special Fire Control Districts Having Firesafety Responsibilities, Without Firesafety Inspectors.

(1) Any county, municipality, or independent special fire control district having firesafety responsibilities which does not employ or has not contracted with a firesafety inspector certified under Section 633.081(1), F.S., to enforce the Florida Fire Prevention Code as required by Section 633.025(2), F.S., at the time of the adoption of this rule chapter is permitted to contact the division and request that the division perform the inspections required by the local fire official pursuant to Section 1013.12(3)(2), F.S., and this rule chapter and performed under Section 633.081(1), F.S.

(2) Upon receiving such request, the division shall perform the inspections required by this rule chapter during the period of time the county, municipality, or independent special fire control district is not in compliance with Section 633.081(1), F.S., and does not employ or is not under contract with a firesafety inspector certified under Section 633.081(1), F.S., not, however, to exceed one annual inspection per facility.

(3) Each such county, municipality, or independent special fire control district having firesafety enforcement responsibilities shall employ or contract with a firesafety inspector certified under Section 633.081(2), F.S., pursuant to the requirement of Section 633.081(1), F.S., to fulfill the obligation imposed by Section 633.025, F.S.

(4) No county, municipality, or independent special fire control district having firesafety enforcement responsibilities which employs or contracts with a firesafety inspector as of the effective date of Section 1013.12, F.S., is authorized to request that the State Fire Marshal perform the inspections referred to in this section, and the State Fire Marshal shall not perform any inspection for such county, municipality, or independent special fire control district having firesafety responsibilities.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 633.081, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.007, Amended 11-26-06, _____.

69A-58.0083 Protection from Hazards.

(1) through (5) No change.

(6) Residential Appliances Home Economics Instructional Spaces. Residential style ranges installed in home economics instructional spaces, classrooms, faculty lounges, and similar

areas shall not be required to comply with the provisions for commercial cooking appliances under NFPA 96, provided all of the following requirements are met:

- (6)(a) through (6)(c) No change.
- (7) No change.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History--New 11-26-06, Amended _____.

69A-58.0084 Seclusion Time-Out Rooms.

- (1) through (7) No change.

(8) If during any firesafety inspection a secured seclusion time-out room is found in violation of this rule chapter, the board fire official or the local fire official shall immediately report the deficiency to the division in accordance with Section 1013.12(2)(d)(+)(e) or 1013.12(7)(5), F.S., and the secured seclusion time-out room shall be immediately withdrawn from use.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History--New 11-26-06, Amended _____.

69A-58.009 Florida Firesafety School Evaluation System.

(1) Any Florida school building which was initially occupied prior to January 1, 1985, is permitted to use the Florida Firesafety School Evaluation System originally dated September 19, 2000, and Amended June 28, 2001, which is located in Form DFS-K3-1546 ~~DI4-1546~~, (Rev 10-02) and which is hereby ~~adopted and~~ incorporated by reference, in lieu of or as an alternative to the requirements of Rule 69A-58.008, F.A.C.

(2) The Florida Firesafety School Evaluation System, Form DFS-K3-1546 ~~DI4-1546~~, may be obtained by writing to the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

- (3) No change.

(4) For buildings occupied after January 1, 1985, boards, board fire officials and local fire officials may use the equivalency provisions of Section 1.4 of NFPA 101, the edition as adopted in Rule 69A-3.012, F.A.C.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History--New 2-18-03, Formerly 4A-58.009, Amended 11-26-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Frank, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NOS.: 69J-128.023
69J-128.024
RULE TITLES: Nondiscrimination
Effective Date

PURPOSE AND EFFECT: These rules were identified as being unnecessary as part of the 2011 comprehensive rule review project.

SUMMARY: The rules are repealed.

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 conducted an economic analysis of the proposed rule's potential impact and determined that it did not exceed any of the criteria set forth in Section 120.541(2)(a), F.S.

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: 624.308, 626.9651 FS.

LAW IMPLEMENTED: 624.307(1), 626.9651 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: August 20, 2012, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter at (850)413-5800 or Tasha.Carter@MyFloridaCFO.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 RULES IS: Tasha Carter, Director, Division of Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399, (850)413-5800 or Tasha.Carter@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69J-128.023 Nondiscrimination.

Rulemaking Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History–New 12-8-02, Formerly 4-128.035, 69B-128.035, Repealed _____.

69J-128.024 Effective Date.

Rulemaking Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History – New 12-16-01, Formerly 4-128.026, 69B-128.024, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tasha Carter, Director, Division of Consumer Services, Department of Financial Services
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2012

Section III Notices of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-1.1101	Amendments to and Releases of Conservation Easements.

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The correction is in response to a comment submitted by the Joint Administrative Procedures Committee in a letter dated July 6, 2012. The correction describes the basis that the District relied upon to conclude that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S. The following underlined part contains the correction:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The District has determined that this rule will not have an adverse impact on small businesses and will not increase regulatory costs in excess of \$200,000 within one year. No SERC has been prepared by the District.

The District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendment, which are both available upon request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to Section 120.541(3), F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Legal Administrative Assistant, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-2.091	Publications Incorporated by Reference

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 23, June 8, 2012 issue of the Florida Administrative Weekly. The Notice as published is supplemented by the following: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Costs.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-3.021	Definitions
40E-3.036	Rules and Publications Incorporated by Reference
40E-3.038	Violations of Contractor Licensing and Well Construction Requirements
40E-3.101	Content of Application
40E-3.411	Well Completion Reports
40E-3.507	Casing and Liner Pipe Standards
40E-3.512	Well Construction Requirements
40E-3.517	Grouting and Sealing
40E-3.521	Well Seals
40E-3.600	Scope of Part VI
40E-3.601	General Permit for Water Wells within a Portion of Southern Miami-Dade County

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. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly.