

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

Commercial Motor Vehicle Review Board

RULE NO.: 14A-1.004
 RULE TITLE: Meetings of the Commercial Motor Vehicle Review Board

PURPOSE AND EFFECT: The amendments to this rule are being made to clarify language and update the legal authorities cited.

SUBJECT AREA TO BE ADDRESSED: These amendments address the clarity and legal authority of the rule.

RULEMAKING AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 316.3025, 316.516, 316.545, 316.550 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deanna R. Hurt, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, deanna.hurt@dot.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14A-1.004 Meetings of the Commercial Motor Vehicle Review Board.

(1) ~~The~~ Commercial Motor Vehicle Review Board (Review Board) meetings shall be scheduled as often as necessary, based upon a sufficient number of requests for review to justify the expense of holding a meeting, but in no case shall there be less than six meetings a year.

(a) The Review Board will shall consider testimony or other evidence supporting the which supports modification, cancellation, or revocation of penalties imposed pursuant to Section 316.516, 316.545, 316.550, or 316.3025, F.S Florida Statutes. Only penalties that which have been paid will be considered by the Review Board. ~~Provision for a Review Board hearing on~~ penalties imposed assessed as a result of a compliance review may be considered by the Review Board prior to payment is found in accordance with Rule 15B-15.002 Chapter 14-108, F.A.C.

(b) The location of each meeting will shall be determined by the Review Board. Any person may request that the review of his or her case be held at a specific city at which the Review

Board regularly meets. For his or her convenience, any person may request to be heard at the next meeting held in the geographic area of the state in which his or her principal place of business is located. Any person may also request to be heard at the next meeting of the Review Board, regardless of geographic area. These requests must be made in writing and be received by the Review Board no less than 14 days prior to the scheduled meeting.

(c) Notwithstanding paragraph (b) above, cases involving requests for Review Board consideration of unpaid penalties ~~imposed for violations found during a compliance review~~ will be heard at the next meeting, regardless of location.

(2) Agendas. The Chair of the Review Board will shall be responsible for the preparation and distribution of agenda items to be considered at the meeting, including and the time and place of such meeting, to Review Board members at least 14 days prior to the meeting.

(a) Changes may be made to the order or content of the agenda by the Chair of the Review Board after it has been made available for distribution; for good cause and as stated in the record.

(b) Copies of the agenda may be obtained from the Review Board, upon ~~verbal or written~~ request. Requests must be received at least seven days prior to the scheduled meeting. Agendas will also be posted on the Department's website at <http://www.dot.state.fl.us>

(3) Timely Written Request for Hearing. Any person who wishes to have a penalty that was imposed which was issued pursuant to Section 316.3025, 316.516, or 316.545, or 316.550, F.S Florida Statutes, considered by the Review Board shall file a written request for hearing ~~before the Review Board~~. The request must be received by the Review Board no later than 60 days after the date on the Notice of Violation.

(4) Appearances. ~~Any person with~~ Persons, firms, or corporations assessed a penalty imposed for a violation ~~violations~~ of Section 316.3025, 316.516, or 316.545, or 316.550, F.S Florida Statutes, that has have complied with all applicable requirements of this rule may shall appear in person, through an authorized representative, or through legal counsel.

(a) ~~Any person~~ Persons requesting a hearing, who will not be present or represented, shall submit evidence or arguments no less than 14 days prior to the scheduled hearing.

(b) The Review Board will shall sustain all penalties imposed when where no testimony, written evidence, other evidence, or arguments are presented to by the person ~~requesting an appearance before~~ the Review Board.

(5) Records. Meetings of the Review Board will shall be ~~stenographically or mechanically~~ recorded and ~~shall be~~ preserved for the period required by the Division of Library and Information Services, Department of State.

(6) Continuances. Requests for continuances ~~by any person~~ shall be in writing and must be received by the Review Board at least seven days prior to the scheduled meeting.

~~Continuances will be based upon good cause being shown. The Review Board, at its discretion shall grant continuances for good cause shown.~~

(7) Decisions. The Review Board ~~will~~ ~~shall~~ render its decision ~~and notify the person requesting the hearing~~ within 30 days after the hearing, ~~and shall notify the person requesting the hearing of its decision in writing.~~ The ~~written notice of the Review Board's decision will be in writing and shall~~ contain a statement that the decision is final. A rehearing may be requested ~~when~~ if additional evidence ~~will be~~ is presented, pursuant to a request from the Review Board.

~~Rulemaking Specific Authority 334.044(2) FS. Law Implemented 286.044, 316.3025, 316.516, 316.545, 316.550 FS. History—New 4-26-89, Amended 8-5-96, 12-23-03.~~

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.800
 RULE TITLE: Financial Compliance Audits of Medicaid Prepaid Plans

PURPOSE AND EFFECT: The purpose of the rule is to implement the provisions found in Sectuib 409.967(3)(c), F.S., regarding the achieved saving rebates. Statutory mandate requires any audit required under Section 409.967(3), F.S., to be conducted by an independent certified public accountant who meets criteria specified by rule. The rule must also provide that:

1. The entity selected by the agency to conduct the audit may not have a conflict of interest that might affect its ability to perform its responsibilities with respect to an examination.
2. The rates charged to the prepaid plan being audited are consistent with rates charged by other certified public accountants and are comparable with the rates charged for comparable examinations.
3. Each prepaid plan audited shall pay to the agency the expenses of the audit at the rates established by the agency by rule. Such expenses include actual travel expenses, reasonable living expense allowances, compensation of the certified public accountant, and necessary attendant administrative costs of the agency directly related to the examination. Travel expense and living expense allowances are limited to those expenses incurred on account of the audit and must be paid by the examined prepaid plan together with compensation upon presentation by the agency to the prepaid plan of a detailed account of the charges and expenses after a detailed statement has been filed by the auditor and approved by the agency.
4. All moneys collected from prepaid plans for such audits shall be deposited into the Grants and Donations Trust Fund, and the agency may make deposits into such fund from moneys appropriated for the operation of the agency.

SUBJECT AREA TO BE ADDRESSED: Financial compliance audits of Medicaid prepaid plans

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.967 FS.

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

DATE AND TIME: November 16, 2012, 3:30 p.m.-4:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Karen Chang, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850) 412-4075 or by e-mail at: karen.chang@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Chang, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850) 412-4075 or by e-mail at: karen.chang@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-4.010
 RULE TITLE: Sanitation and Safety Requirements

PURPOSE AND EFFECT: To require public food service establishments serving raw oysters to display specific notice regarding risk of illness.

SUBJECT AREA TO BE ADDRESSED: Consumer advisory regarding risks associated with consumption of raw oysters.

RULEMAKING AUTHORITY: 509.032, 509.221 FS.

LAW IMPLEMENTED: 509.032, 509.035, 509.221 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399; 850-488-1133; Michelle.Comingore@dbpr.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-4.010 Sanitation and Safety Requirements.

(1) through (7) No change.

(8) Consumer Advisory. In addition to the consumer advisory provisions of Chapter 3, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., public food service establishments serving raw oysters shall display, either on menus or on table placards, the following notice: "Consumer Information: There is risk associated with consuming raw oysters. If you have chronic illness of the liver, stomach or blood or have immune disorders, you are at greater risk of serious illness from raw oysters, and should eat oysters fully cooked. If unsure of your risk, consult a physician."

~~(9)~~(8) Obtaining forms. All forms incorporated in this section are available from the Division of Hotels and Restaurants Internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail to call.center@dbpr.state.fl.us; by phone request to the department at (850)487-1395; or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1014.

Rulemaking Authority 509.032, 509.221 FS. Law Implemented 509.032, 509.035, 509.221 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Formerly 10D-13.023, 7C-4.010, Amended 3-31-94, 9-25-96, 1-1-98, 7-2-98, 12-6-00, 2-27-05, 8-12-08, 6-13-10, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.0001
 RULE TITLE: Renewal of Active Licenses

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete reference to the continuing education requirements to reactivate a license that has been inactive for more than one year.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements.

RULEMAKING AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 415.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Zana

Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.007
 RULE TITLE: Educational Requirements for Applicants Without EAC/ABET Accredited Engineering Degrees

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to modify the educational requirements for applicants without EAC/ABET accredited engineering degrees.

SUBJECT AREA TO BE ADDRESSED: Educational requirements for applicants without EAC/ABET accredited engineering degrees.

RULEMAKING AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-35.003
 RULE TITLE: Qualification Program for Special Inspectors of Threshold Buildings

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify procedures for the qualification program for special inspectors of threshold buildings.

SUBJECT AREA TO BE ADDRESSED: Qualification program for special inspectors of threshold buildings.

RULEMAKING AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-35.004
RULE TITLE: Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the common requirements to all engineers providing threshold building inspection services as special inspectors.

SUBJECT AREA TO BE ADDRESSED: Common requirements to all engineers providing threshold building inspection services as special inspectors.

RULEMAKING AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.015(7) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009
RULE TITLE: Standard of Care for Office Surgery
64B8-9.0091: Requirement for Physician Office Registration; Inspection or Accreditation

PURPOSE AND EFFECT: The proposed rule amendments are necessary to implement the statutory mandate set forth in Section 458.309(3), F.S., with regard to liposuction limits.

SUBJECT AREA TO BE ADDRESSED: Requirement for maintaining logs and requiring registration in office settings where more than 1,000 cubic centimeters of supernatant fat is removed.

RULEMAKING AUTHORITY: 458.309(1),(3), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.309(3), 458.331(1)(v), 458.351 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-10.003
RULE TITLE: Costs of Reproducing Medical Records

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the cost of reproduction of medical records which are stored in an electronic format.

SUBJECT AREA TO BE ADDRESSED: Costs associated with reproducing medical records which are stored in an electronic format.

RULEMAKING AUTHORITY: 456.057(18), 458.309 FS.

LAW IMPLEMENTED: 456.057(18) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-9.002 RULE TITLE: Re-Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to update form DH-MQA 1190, "Re-examination Application" and incorporate the form by reference into the rule.

SUBJECT AREA TO BE ADDRESSED: The re-examination application form.

RULEMAKING AUTHORITY: 456.017(2), 484.005 FS.

LAW IMPLEMENTED: 456.017(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Opticianry

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to update form DH-MQA 1180, "Apprentice Optician Application" and incorporate the form by reference into the rule.

SUBJECT AREA TO BE ADDRESSED: The apprentice optician application form.

RULEMAKING AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(10)(d)4. FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE NO.: 61G2-2.005 RULE TITLE: Notice of Address Change

PURPOSE AND EFFECT: The Board proposes this rule amendment to include an electronic address for licensees.

SUMMARY: The proposed rule amendments incorporate electronic mail address and the rule now applies to an auctioneer apprentice.

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 the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 468.384(2) FS.

LAW IMPLEMENTED: 468.385(1), (7), 455.275 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-2.005 Notice of Address or Electronic Mail Address Change.

Any requirements for statement of the address or electronic mail address of an auctioneer, an auctioneer apprentice, or auction business as required on any Florida application for licensure ~~as an auctioneer or auction business~~, shall be interpreted to include the obligation of the licensee to file a notice of change of such address with the Board of Auctioneers within 30 days of the effective date of such change.

Rulemaking Specific Authority 468.384(2) FS. Law Implemented 468.385(1), (7), 455.275 FS. History—New 12-3-90, Formerly 21BB-2.005; Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Auctioneers

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE NO.: 61G2-3.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete language referencing Rule 61G2-2.006, F.A.C., as the rule is being repealed.

SUMMARY: The proposed rule amendments are necessary to delete language pertaining to Rule 61G2-2.006, F.A.C., as the rule is being 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and

experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS.

LAW IMPLEMENTED: 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), 468.3851, 468.386(1), 468.387, 468.393(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-3.001 Fees.

(1) through (11) No change.

(12) Fees for Reinstatement of a Void License:

(a) No change.

(b) Non refundable Renewal fee of \$150.00 – \$300.00 for each biennium when timely renewal was missed, ~~as set forth in Rule 61G2-2.006, F.A.C.~~, and

(c) Fee for unlicensed activity and recovery fund of \$105.00 – \$210.00 for each biennium when timely renewal was missed, ~~as set forth in Rule 61G2-2.006, F.A.C.~~

Rulemaking Specific Authority 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS Law Implemented 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), 468.3851, 468.386(1), 468.387, 468.393(1) FS. History—New 9-18-07, Amended 4-17-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Auctioneers

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE NO.: 61G2-7.030
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendments to address violations and penalties in the disciplinary guidelines for auctioneers.

SUMMARY: The proposed rule amendments are necessary to update the disciplinary guidelines for violations and penalties relating to auctioneers.

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 the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.2273(1) FS.

LAW IMPLEMENTED: 455.2273(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-7.030 Disciplinary Guidelines.

(1) When the Board finds that an applicant or licensee whom it regulates under Chapter 468, Part VI, F.S., has committed any of the acts set forth in Section 468.389, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

(a) through (n) No change.

(o) Failing to timely report in writing to the board within 30 days after the licensee is convicted or found guilty of, or entered a plea of *nolo contendere* or guilty to, regardless of adjudication, a crime in any jurisdiction:

1. FIRST OFFENSE:

a. Misdemeanor: A fine from \$100.00 to \$250.00; probation not to exceed 6 months.

b. Felony: reprimand; a fine from \$500.00 to \$1,000.00; suspension with conditions of reinstatement or revocation.

2. SECOND OFFENSE:

a. Misdemeanor: reprimand; a fine from \$500.00 to \$1000.00; a period of suspension with conditions for reinstatement or revocation.

b. Felony: revocation and a fine of \$1000.00.

3. THIRD OFFENSE: a third misdemeanor offense shall be a fine of \$1000.00 and revocation.

(2) No change.

Rulemaking Specific Authority 455.2273(1) FS. Law Implemented 455.2273(1) FS. History—New 12-6-87, Formerly 21BB-1.030, 21BB-7.030, Amended 8-29-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Auctioneers

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-699.200	Definitions.
62-699.310	Classification and Staffing of Domestic Wastewater or Water Treatment Plants and Water Distribution Systems
62-699.311	Additional Classification and Staffing Requirements

PURPOSE AND EFFECT: The Department is making clarifications and reductions to existing classification and staffing requirements for domestic wastewater treatment plants, water treatment plants, and water distribution systems.

SUMMARY: Rule 62-699.200, F.A.C., is being amended to delete definitions that duplicate definitions in the Florida Statutes and add definitions of “biosolids treatment facility,” “water main,” and “water service line.” Rule 62-699.310, F.A.C., is being amended to clarify that certain transient non-community water systems serving religious institutions are exempt from operator staffing requirements (Section 403.853(6) F.S.); clarify that the phrase “public food service establishment” is defined in several chapters of the Florida

Statutes; clarify the procedure for determining the category and classification of wastewater or water treatment plants and water distribution systems; reduce operator staffing requirements for some water treatment processes; and clarify the exception for operator staffing of certain water distribution system operation and maintenance activities when the activities are being performed by a construction contractor. Rule 62-699.311, F.A.C., is being amended to reduce the required number of owner checks or visits for some water treatment plants; clarify existing supplemental requirements for lead/chief operators of Class A or B treatment plants; and allow for reduced operator staffing at treatment plants that are operational fewer hours per day, or fewer days per week, than they must be staffed per paragraph 62-699.310(2)(a) or (e), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will reduce staffing requirements for some smaller or less-complex water treatment plants resulting in a reduction of regulatory costs.

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

RULEMAKING AUTHORITY: 403.869, 403.88(4) FS.

LAW IMPLEMENTED: 403.182, 403.852, 403.853(6), 403.862, 403.866, 403.867, 403.875(1)(f), 403.88(1), 403.88(2), 403.88(3) 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: Monday, December 10, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, 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: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630, e-mail

Virginia.Harmon@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630, e-mail: Virginia.Harmon@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-699.200 Definitions.

For the purposes of this chapter, the following words, phrases, or terms shall have the following meaning.

(1) "APPROVED COUNTY HEALTH DEPARTMENT" means Broward, Hillsborough, Lee, ~~Manatee~~, Miami-Dade, Palm Beach, Polk, Sarasota, or Volusia County Health Department pursuant to Section 403.862(1)(c), F.S.

(2) No change.

(3) "BIOSOLIDS TREATMENT FACILITY" means a facility that treats biosolids from other facilities for the purpose of meeting the requirements of Chapter 62-640, F.A.C., before use or land application. Biosolids treatment facilities can also treat domestic septage and combinations of biosolids, domestic septage, food establishment sludges, wastes removed from portable toilets, and wastes removed from holding tanks associated with boats, marinas, and onsite sewage treatment and disposal systems, before use or land application.

~~(3) "COMMUNITY WATER SYSTEM" or "CWS" means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.~~

(4) through (6) No change.

~~(7) "DOMESTIC WASTEWATER TREATMENT PLANT" means any plant or other works used for the purpose of treating, stabilizing, or holding domestic wastes.~~

(8) through (10) renumbered (7) through (9) No change.

~~(11) "NON COMMUNITY WATER SYSTEM" means a public water system that is not a community water system. A non-community water system is either a transient non-community water system or a non-transient non-community water system.~~

~~(12) "NON-TRANSIENT NON-COMMUNITY WATER SYSTEM" or "NTNCWS" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.~~

(13) through (15) renumbered (10) through (12) No change.

~~(16) "PUBLIC WATER SYSTEM" or "PWS" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60~~

days out of the year. A PWS includes any collection, treatment, storage, or distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under control of the operator of such system but used primarily in connection with such system. A PWS does not include any special irrigation district. A PWS is either a community water system or a non-community water system.

(17) “RESIDUALS MANAGEMENT FACILITY” means a domestic wastewater treatment plant, such as a composting or blending facility, that treats residuals from other domestic wastewater treatment plants, residuals management facilities, or septage management facilities for the purpose of meeting the requirements of Chapter 62-640, F.A.C., before use or land application. Residuals management facilities may also treat domestic septage and combinations of residuals, domestic septage, food establishment sludges, wastewater removed from portable toilets, and wastes removed from holding tanks associated with boats, marinas, or on-site sewage treatment and disposal systems, before use or land application.

(18) “SUPPLIER OF WATER” means any person who owns or operates a public water system (PWS). This does not include the licensed operator unless the licensed operator is also the owner of the PWS.

(19) “TRANSIENT NON-COMMUNITY WATER SYSTEM” or “TWS” means a non-community water system that does not regularly serve at least 25 of the same persons over six months per year.

(13)(20) No change.

(21) “WATER DISTRIBUTION SYSTEM” means those components of a regulated public water system used in conveying water for human consumption from the water treatment plant to the consumer’s property, including pipes, tanks, pumps, and other constructed conveyances.

(14) “WATER MAIN” means the following:

(a) All piping, regardless of size, conveying finished water from a water treatment plant to either a fire hydrant lead or a water service line; and

(b) All fire hydrant leads that are under the control of a regulated public water system.

(15) “WATER SERVICE LINE” means the following:

(a) Piping conveying finished water to a single or dual meter box that serves one or two buildings, one or two irrigation systems, or one building and one irrigation system; or

(b) Piping conveying finished water to a single building, irrigation system, or fire protection system.

(22) “WATER TREATMENT PLANT” means those components of a public water system used in collection, treatment, and storage of water for human consumption, whether or not such components are under the control of the operator of such system.

(16)(23) No change.

Rulemaking Specific Authority 403.869, 403.88(4) FS. Law Implemented 403.182, 403.852, 403.862, 403.866 FS. History—New 10-15-07, Amended _____.

62-699.310 Classification and Staffing of Domestic Wastewater or Water Treatment Plants and Water Distribution Systems.

This section applies to all domestic wastewater treatment plant permittees and to all ~~or~~ suppliers of water except those ~~suppliers of water~~ who own or operate a transient non-community water system (TWS) using only ground water as a source of supply and serving only religious institutions, or businesses, other than public food service establishments as defined and regulated under Chapters 381, 500, or 509, F.S., and other than religious institutions with school or daycare services serving only businesses other than public food service establishments and using only ground water as a source of supply. Licensed operators are not required for TWSs using only ground water as a source of supply and transient non-community water systems serving only religious institutions, or only businesses, other than public food service establishments and other than religious institutions with school or daycare services and using only ground water as a source of supply.

(1) Domestic wastewater treatment plant permittees and suppliers of water shall employ only persons appropriately licensed under Chapter 62-602, F.A.C., to be in on-site charge of the operation, supervision, or maintenance of a domestic wastewater or water treatment plant during any part of any day. ~~Beginning May 1, 2011,~~ Suppliers of water shall employ only persons appropriately licensed under Chapter 62-602, F.A.C., to be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 under the tables in subparagraphs 62-699.310(2)(f)1. and 2., F.A.C.

(2) Permittees and suppliers of water shall employ licensed operators on-site at their domestic wastewater or water treatment plant(s) to fulfill the time and visit requirements specified in paragraphs (a) through (e) below. ~~Beginning May 1, 2011,~~ Suppliers of water shall employ licensed operators to staff their water distribution system as specified in paragraph (f) below.

(a) Classification and Staffing Requirements for Domestic Wastewater Treatment Plants Other than Those Discussed Separately in Paragraphs (b) Through (d) ~~Below. Refer to tables 1. through 4. below and determine the classification and staffing requirements for each domestic wastewater treatment plant using the following two-step procedure: first determine the category of the plant and then, within that category, determine the classification and staffing requirements for the plant. Determine the plant category by identifying the highest category in tables 1. through 4. listing one or more of the plant’s treatment processes, with Category I being the highest category and Category IV being the lowest category.~~

~~Determine the plant classification and staffing requirements within the determined plant category by using the permitted capacity of the plant. Class A is the highest possible plant classification, and Class D is the lowest possible plant classification. All flow values used in this paragraph refer to the permitted capacity of the domestic wastewater treatment plant.~~

1. through 4. No change.

(b) Staffing Requirements for Domestic Wastewater Treatment Plants that Provide Reclaimed Water to a Reuse System Permitted Under Part III of Chapter 62-610, F.A.C.

1. ~~The Plant staffing requirements category shall be established in accordance with paragraph (a) above.~~

2. No change.

(c) Staffing Requirements for Domestic Wastewater Treatment Plants that Provide Reclaimed Water to a Reuse System Permitted Under Part V of Chapter 62-610, F.A.C.

1. ~~The Plant staffing requirements category shall be established in accordance with paragraph (a) above.~~

2. No change.

(d) Staffing Requirements for Biosolids Treatment Residuals Management Facilities. Staffing requirements are provided in paragraph ~~62-640.880(2)(j)~~ 62-640.880(2)(i), F.A.C.

(e) Classification and Staffing Requirements for Water Treatment Plants. Refer to tables 1. through 5. below and determine the classification and staffing requirements for each water treatment plant using the following two-step procedure: first determine the category of the plant and then, within that

category, determine the classification and staffing requirements for the plant. Determine the plant category by identifying the highest category in tables 1. through 5. listing one or more of the plant's category-determining treatment processes, with Category I being the highest category and Category V being the lowest category. In no case shall a treatment process that is installed and maintained by the Department under the Water Supply Restoration Program be considered in determining the plant category. Otherwise, for any plant that is part of a community water system (CWS), all of the plant's treatment processes shall be considered in determining the plant category, while for any plant that is part of a non-community water system (NCWS), only the plant's treatment processes that are necessary to meet primary drinking water standards, or disinfection requirements, applicable to the NCWS shall be considered in determining the plant category. Determine the plant classification and staffing requirements within the determined plant category by using the permitted maximum-day operating capacity of the plant. Class A is the highest possible plant classification, and Class D is the lowest possible plant classification. All flow values used in this paragraph refer to the permitted maximum day operating capacity of the water treatment plant.

1. Water Treatment Plant Category I				
Treatment Process	Class A	Class B	Class C	Class D
Conventional filtration (coagulation, flocculation, sedimentation, and <u>rapid-rate granular-media filtration</u>), <u>including lime softening</u> ; direct filtration (coagulation and <u>rapid-rate granular-media filtration</u>) of surface water or ground water determined by the Department to be under the direct influence of surface water; or <u>direct filtration of ground water for removal of viruses</u> lime softening .	5.0 MGD and above Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.	1.0 MGD up to 5.0 MGD Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.	0.3 MGD up to 1.0 MGD Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.	Not Applicable
			0.1 MGD up to 0.3 MGD Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.	
			Less than 0.1 MGD Staffing by Class C or higher operator: 1 hour/day <u>2 hours/day</u> for 5 days/week and one visit on each weekend day.	
			For all of the above plants, the lead/chief operator must be Class C or higher.	

2. Water Treatment Plant Category II				
Treatment Process	Class A	Class B	Class C	Class D
<p>Membrane processes, including electro dialysis, electro dialysis reversal, Microfiltration, ultrafiltration, or and nanofiltration, or reverse osmosis.</p>	6.5 MGD and above	1.0 MGD up to 6.5 MGD	0.5 MGD up to 1.0 MGD	Not Applicable
	Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.	Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.	Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.	
			<p>0.25 to 0.5 MGD up to 0.5 MGD</p> <p>Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p>	
			<p>Less than 0.1 MGD up to 0.25 MGD</p> <p>Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day.</p> <p>Less than 0.1 MGD</p> <p><u>Staffing by Class C or higher operator: 5 visits per week and one visit each weekend for a total of 2.4 hours/week.</u></p> <p>For all of the above plants, the lead/chief operator must be Class C or higher.</p>	

3. Water Treatment Plant Category III					
Treatment Process	Class A	Class B	Class C	Class D	
<p>Activated <u>alumina or carbon adsorption</u> with <u>on-site media regeneration</u> processes; diatomaceous earth filtration; <u>electrodialysis</u> or <u>electrodialysis reversal</u>; <u>ion iron exchange</u> for removal of any primary contaminant or <u>disinfection byproduct precursors</u>; <u>oxidation and rapid-rate granular-media filtration</u>, or <u>direct filtration of ground water</u> for removal of any primary contaminant other than viruses or for removal of <u>disinfection byproduct precursors</u> iron and manganese removal (<u>oxidation, detention, and filtration</u>); or slow sand filtration.</p>	8.0 MGD and above	2.0 MGD up to 8.0 MGD	1.0 MGD up to 2.0 MGD	Not applicable	
	Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.	Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.	Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.		
			0.5 MGD up to 1.0 MGD		
			Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.		
			0.25 MGD up to 0.5 MGD		
			Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day.		
			Less than 0.25 MGD		
			Staffing by Class C or higher operator: 5 visits/week and one visit each weekend for a total of 1.8 hours/week.		
			For all of the above plants, the lead/chief operator must be Class C or higher.		

4. Water Treatment Plant Category IV				
Treatment Process	Class A	Class B	Class C	Class D
<u>Activated alumina or carbon adsorption without on-site media regeneration;</u> <u>Aeration for removal of any primary contaminant;</u> <u>alkalinity/pH adjustment;</u> <u>chloramination;</u> <u>chlorine dioxide treatment for oxidation or disinfection;</u> <u>fluoridation;</u> ion exchange for removal of any secondary contaminant, sulfide, or <u>hardness from a CWS</u> any unregulated <u>contaminant;</u> <u>oxidation and rapid-rate granular-media filtration, or direct filtration, of ground water for removal of any secondary contaminant or sulfide from a CWS;</u> <u>or ozonation.</u>	Not Applicable	10 MGD and above Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.	5.0 MGD up to 10 MGD Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day. 3.0 MGD up to 5.0 MGD Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day. 1.0 MGD up to 3.0 MGD Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day. 0.1 MGD up to 1.0 MGD Staffing by Class C or higher operator: 5 visits/week and one visit each weekend for a total of 1.2 hours/week. For all of the above plants, the lead/chief operator must be Class C or higher.	Less than 0.1 MGD Staffing by a Class D or higher operator: 3 visits/week on nonconsecutive days for a total of 0.6 hour/week. The lead/chief operator must be Class D or higher.

5. Water Treatment Plant Category V				
Treatment Process	Class A	Class B	Class C	Class D
Aeration for removal of any secondary contaminant, sulfide, or any unregulated contaminant; alkalinity or pH adjustment; chlorination or hypochlorination; corrosion control inhibitor addition; fluoridation; hypochlorination; iron or manganese sequestration; or ultraviolet radiation.	Not Applicable	Not Applicable	<p>5.0 MGD and above</p> <p>Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>3.0 MGD up to 5.0 MGD</p> <p>Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.25 MGD up to 3.0 MGD</p> <p>Staffing by Class C or higher operator: 5 visits/week and one visit each weekend for a total of 0.6 hour/week.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class C or higher.</p>	<p>50,000 GPD up to 0.25 MGD</p> <p>Staffing by Class D or higher operator: 3 visits/week on nonconsecutive days for a total of 0.3 hour/week.</p> <hr/> <p>Less than 50,000 GPD</p> <p>Staffing by a Class D or higher operator: 2 visits/week on nonconsecutive days for a total of 0.2 hour/week. There shall be no more than 5 days between the last visit in one week and the first visit in the next week.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class D or higher.</p>

(f) Classification and Staffing Requirements for Water Distribution Systems. Refer to tables 1. and 2. below and determine the classification and staffing requirements for each water distribution system using the following two-step procedure: first determine the category of the distribution system and then, within that category, determine the classification and staffing requirements for the distribution system. Determine the distribution system category by using the highest classification of water treatment plant to which the distribution system is connected, with Class A being the highest plant classification and Class D being the lowest plant classification. Determine the distribution system classification and staffing requirements within the determined distribution

system category by using the number of persons served directly by the distribution system, which excludes any persons served by any separately owned and operated wholesale or regulated consecutive system connected to the distribution system. Level 1 is the highest possible distribution system classification, and Level 4 is the lowest possible distribution system classification. For the purpose of this paragraph, the number of persons served by a water distribution system is the retail number of persons served by that individual system and excludes persons served by regulated consecutive systems receiving water from that system.

I. Water Distribution System Category I				
Distribution System	Level 1	Level 2	Level 3	Level 4
Distribution system connected to a Class A, B, or C water treatment plant.	<p>Serving 100,000 or more persons.</p> <p>Beginning May 1, 2011, Tthe lead/chief operator must be a Level 1 water distribution system operator or a Class C or higher water treatment plant operator. Additionally, beginning May 1, 2011, a Level 3 or higher water distribution system operator or a Class C or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed <u>construction underground utility and excavation contractor or licensed plumbing contractor working within the scope of his or her license.</u>²</p>	<p>Serving at least 10,000 persons and less than 100,000 persons.</p> <p>Beginning May 1, 2011, Tthe lead/chief operator must be a Level 2 or higher water distribution system operator or a Class C or higher water treatment plant operator. Additionally, beginning May 1, 2011, a Level 3 or higher water distribution system operator or a Class C or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed <u>construction underground utility and excavation contractor or licensed plumbing contractor working within the scope of his or her license.</u>²</p>	<p>Serving at least 1,000 persons and less than 10,000 persons.</p> <p>Beginning May 1, 2011, Tthe lead/chief operator must be a Level 3 or higher water distribution system operator or a Class C or higher water treatment plant operator. Additionally, beginning May 1, 2011, a Level 3 or higher water distribution system operator or a Class C or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed <u>construction underground utility and excavation contractor or licensed plumbing contractor working within the scope of his or her license.</u>²</p>	<p>Serving less than 1,000 persons.³²⁻</p> <p>Beginning May 1, 2011, Tthe lead/chief operator must be a Level 4 or higher water distribution system operator or a Class D or higher water treatment plant operator. Additionally, beginning May 1, 2011, a Level 4 or higher water distribution system operator or a Class D or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed <u>construction underground utility and excavation contractor or licensed plumbing contractor working within the scope of his or her license.</u>²</p>

¹ The following water distribution system operation or maintenance activities may affect water quality or quantity: cleaning (swabbing, pigging, scraping, or air-purging) existing or repaired water mains; tapping, depressurizing/dewatering, or disinfecting existing or repaired water mains; dewatering, cleaning, or disinfecting existing or repaired finished-water storage tanks; and manually operating ~~existing~~ pumps, or adjusting ~~existing~~ automatic pump controls or automatic control valves, as necessary to regulate water distribution system flows or pressures.

² Part I of Chapter 489, F.S., and rules adopted thereunder and administered by the Department of Business and Professional Regulation and the Construction Industry Licensing Board regulate the construction industry and establish whether construction work, including the repair or replacement of water distribution system facilities, must be performed by a licensed construction contractor.

³² For wholesale systems, a Category I water distribution system serving less than 1,000 persons shall be classified as a Level 3 water distribution system.

2. Water Distribution System Category II

Distribution System	Level 1	Level 2	Level 3	Level 4
Distribution system connected to a Class D water treatment plant.	Not Applicable	Not Applicable	Not Applicable	Beginning May 1, 2011, the lead/chief operator must be a Level 4 or higher water distribution system operator or a Class D or higher water treatment plant operator. Additionally, beginning May 1, 2011, a Level 4 or higher water distribution system operator or a Class D or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed construction underground utility and excavation contractor or licensed plumbing contractor working within the scope of his or her license.²

¹ Water distribution system operation and maintenance activities that may affect water quality or quantity include the following: cleaning (swabbing, pigging, scraping, or air-purging) existing or repaired water mains; tapping, depressurizing/dewatering, or disinfecting existing or repaired water mains; dewatering, cleaning, or disinfecting existing or repaired finished-water storage tanks; and manually operating existing pumps, or adjusting automatic pump controls or automatic control valves, as necessary to regulate water distribution system flows or pressures.

² Part I of Chapter 489, F.S., and rules adopted thereunder and administered by the Department of Business and Professional Regulation and the Construction Industry Licensing Board regulate the construction industry and establish whether construction work, including the repair or replacement of water distribution system facilities, must be performed by a licensed construction contractor.

Rulemaking Specific Authority 403.869, 403.88(4) FS. Law Implemented 403.853(6), 403.867, 403.875(1)(f), 403.88(1), (2), (3) FS. History—New 11-17-70, Revised 10-24-74, Amended 12-25-75, 6-10-76, 1-12-81, Formerly 17-16.12 and 17-16.13, Amended 5-8-85, Formerly 17-16.370, 17-602.370, 17-699.310, Amended 10-15-07.

62-699.311 Additional Classification and Staffing Requirements.

(1) An operator meeting the lead/chief operator class for the treatment plant shall be available during all periods of domestic wastewater or water treatment plant operation, and ~~beginning May 1, 2011~~, an operator meeting the lead/chief operator level or class for the water distribution system shall be available during all periods of distribution system operation. “Available” means able to be contacted as needed to initiate the appropriate action in a timely manner.

(2) A daily check of each Class C or D domestic wastewater ~~or water~~ treatment plant shall be performed by the permittee ~~or supplier of water~~, or his or her representative or agent, each day the plant is in operation or 5 days per week, whichever is less. The daily check of a plant shall include on-site observation of the plant to verify that it is functioning and may include the taking of readings or samples or the performing of tests or measurements; and the daily check of a plant shall be noted in the operation and maintenance log required under ~~paragraph 62-555.350(12)(a), F.A.C., and~~ subsection 62-602.650(5), F.A.C. A daily visit, or daily staffing, of a plant by an appropriately licensed operator fulfills the requirement for a daily check of the plant. Nothing in this subsection (2) shall be construed as allowing anyone to perform compliance tests for domestic wastewater unless he or she meets applicable qualification requirements in subsection 62-601.400(3), F.A.C., ~~and nothing in this subsection shall be construed as allowing anyone to perform compliance measurements for drinking water unless he or she meets applicable qualification requirements in subsection 62-550.550(1) or (2), F.A.C.~~

(3) Checks of water treatment plants shall be performed by suppliers of water, or their representatives or agents, as described in paragraphs (a) and (b) below. Each plant check shall be noted in the plant’s operation and maintenance log required under paragraph 62-555.350(12)(a), F.A.C., or subsection 62-602.650(5), F.A.C. Nothing in this subsection (3) shall be construed as allowing anyone to perform

compliance measurements for drinking water unless he or she meets applicable qualification requirements in subsection 62-550.550(1) or (2), F.A.C.

(a) For each water treatment plant that is part of a community or non-transient non-community water system or is part of a transient non-community water system subject to operator staffing requirements under Rule 62-699.310, F.A.C., the supplier of water, or the supplier’s representative or agent, shall check the plant on each day when one or more plant measurements are required under Chapter 62-550 or 62-555, F.A.C., but the plant is not staffed by a licensed operator. Each plant check shall include on-site observation of the plant to verify it is functioning and shall include performance of the one or more plant measurements required under Chapter 62-550 or 62-555, F.A.C.

(b) For each water treatment plant that is part of a transient non-community water system not subject to operator staffing requirements under Rule 62-699.310, F.A.C., the supplier of water, or the supplier’s representative or agent, shall check the plant each day the plant serves water to the public or two days per week, whichever is less. Also, the supplier of water, or the supplier’s representative or agent, shall check the plant on any additional days when one or more plant measurements are required under Chapter 62-550 or 62-555, F.A.C. Each plant check shall include on-site observation of the plant to verify it is functioning, shall include performance of any plant measurement required under Chapter 62-550 or 62-555, F.A.C., and can include measurement of the residual disinfectant concentration at the remote point in the water distribution system as required under subsection 62-555.350(6), F.A.C.

(3) through (9) renumbered (4) through (10) No change.

~~(11)(10)~~ This subsection applies to the lead/chief operator of ~~For~~ Class A or B domestic wastewater or water treatment plants. The lead/chief operator shall be employed at the plant full time. “Full-time” shall mean at least 4 days per week, working a minimum of 35 hours per week, including leave time. Upon written request by the permittee or supplier of water and written approval by the Department, the lead/chief operator may supervise the operation of two plants located in close physical proximity or multiple plants connected to a single water distribution system or domestic wastewater collection system when ~~the multiple such~~ plants are under an

electronic control system. The lead/chief operator’s time shall be allocated between or among the plants and electronic control system based upon the size and complexity of the plants and the availability of an electronic control system for the plants.

(12)(44) No change.

(13)(42) Upon written request by the permittee or supplier of water, the Department shall approve in writing reduction of staffing requirements under paragraph 62-699.310(2)(a) or (e), F.A.C., for domestic wastewater or water treatment plants that are operational (i.e., on line and able to treat wastewater or water) fewer hours per day, or fewer days per week, than the plant must be staffed per paragraph 62-699.310(2)(a) or (e), F.A.C. In such cases, staffing requirements shall be reduced to the number of hours per day, or days per week, that the plant is operational, but the class of the lead/chief operator shall not be reduced. When a domestic wastewater or water treatment plant includes more than one treatment process, the most complex treatment process shall be used to classify the plant.

(13) through (14) renumbered (14) through (15) No change.

Rulemaking Specific Authority 403.869, 403.88(4) FS. Law Implemented 403.867, 403.88(1), (2), (3) FS. History—New 11-17-70, Revised 10-24-74, Amended 12-25-75, 6-10-76, Formerly 17-16.13, Amended 5-8-85, Formerly 17-16.375, 17-602.375, 17-699.311, Amended 7-5-01, 10-15-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Van R. Hoofnagle, P.E.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2012

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

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Strategic Business Development

RULE NOS.:	RULE TITLES:
73A-2.001	Certification for Retained Spring Traning Facilities
73A-2.002	Decertification and Decertification Review for Spring Training Baseball Facilities

PURPOSE AND EFFECT: This rulemaking updates the application and certification processes for certification of spring training facilities and adopts such processes applicable to professional sports franchise facilities. The rule also provides a process for decertification of certified spring training facilities.

SUMMARY: The rule conforms the application and certification processes for certification of spring training facilities to statute and adopts such processes applicable to professional sports franchise facilities. The rule also provides a process for decertification of certified spring training facilities.

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: Compliance with the rule is voluntary. The rule is not likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. The rule is not likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. The rule is not likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

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

RULEMAKING AUTHORITY: 288.11621(8) FS.

LAW IMPLEMENTED: 288.11621 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Katherine Morrison, Division of Strategic Business Development, Department of Economic Opportunity, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)717-8973

THE FULL TEXT OF THE PROPOSED RULE IS:

73A-2.001 Certification for ~~Retained~~ Spring Training Baseball Facilities.

(1) Upon notice as published in the Florida Administrative Register, the Florida Sports Foundation will accept applications for certification to receive state funding for Spring Training Baseball Facilities. An applicant must submit an

application for certification to the Florida Sports Foundation as indicated in the published notice ~~by 5:00 p.m., EST, October 2, 2006~~ in order to be considered for certification. Applications may not be changed once submitted. The original and seven (7) copies of the application should be submitted to the following address:

Florida Sports Foundation
 Attention: ~~President Larry Pendleton~~
 2930 Kerry Forest Parkway, Suite-100
 Tallahassee, Florida 32309
 Phone: (850)488-8347
 Fax: (850)922-0482

~~(2) Each application will be reviewed based on the requirements set forth in Section 288.11621(2), F.S. (2010) 288.1162(5)(c)2., F.S. (2006).~~

~~(2)(3) The Florida Sports Foundation will receive the application and conduct a scoring of each application based on the criteria established in Section 288.11621(2), F.S. 288.1162(5)(c)2., F.S. (2006), using the Application Evaluation Criteria Worksheet incorporated herein by reference. Any discrepancies in the application will be resolved in accordance with Section 288.1162(5)(c)2., F.S. (2006).~~

~~(3)(4) The Florida Sports Foundation will complete its review and forward its recommendations for certification to the Department of Economic Opportunity within thirty (30) days of the close of the application period indicated in the notice published in the Florida Administrative Register by 5:00 p.m., EST, November 30, 2006.~~

~~(4)(5) The Department of Economic Opportunity will review the recommendations within thirty (30) days of receipt from the Florida Sports Foundation. After the review, each applicant will be notified as to whether it has been certified by December 15, 2006. The Office of Tourism, Trade, and Economic Development and the Florida Sports Foundation will meet during the month of December 2006 to review and finalize the certifications. Certifications will be announced by 5:00 p.m. EST, January 2, 2007.~~

Rulemaking Authority 288.11621(8) FS. Law Implemented 288.11621(2) FS. History–New 2-12-07, Formerly 27M-2.001, Amended _____.

73A-2.002 Decertification and Decertification Review for Spring Training Baseball Facilities.

(1) In the event the Department receives information that a certified applicant no longer meets the requirements of Section 288.11621(5)(b)1 or 2., F.S., the Department shall notify the certified applicant.

(2) Upon determining that a certified applicant does not meet the criteria in Section 288.11621(5)(b)1. or 2., F.S., the Department shall issue a Notice of Intent to Decertify. The Department shall provide such Notice to the certified applicant in writing, specifying the reasons for proposed decertification.

(3) The certified applicant may petition for decertification review by providing a letter challenging the information provided in the Notice of Intent to Decertify within sixty (60) days after receipt of the Notice. The letter must include specific details and contain supporting documentation. The Department may request any additional information to support the applicant’s petition.

(4) Upon receipt of a petition for decertification review, the Department shall conduct a review of the certified applicant’s challenge. The review shall be conducted by the Division of Strategic Business Development and the Florida Sports Foundation. This panel shall review the letter submitted challenging the Notice of Intent to Decertify and any supporting documentation provided by the certified applicant within forty-five (45) days.

(5) The result of the review shall be communicated to the certified applicant in writing, and is subject to review under Chapter 120, F.S.

Rulemaking Authority 288.11621(8) FS. Law Implemented 288.11621(5) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Katherine Morrison, Division of Strategic Business Development, Department of Economic Opportunity, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)717-8973
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Hunting F. Deutsch
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 16, 2012

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.109 RULE TITLE: Offender Orientation
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 58, October 25, 2012 issue of the Florida Administrative Register.
 The rule number and title are 33-302.109 Offender Orientation.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice
 RULE NO.: 64B17-3.001 RULE TITLE: Licensure as a Physical Therapist by Examination
 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. 5, February 3, 2012 issue of the Florida Administrative Register.

The additional changes are being made to the application form to address questions relating to subsection 456.0635(2), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.003 RULE TITLE: Licensure by Endorsement

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. 5, February 3, 2012 issue of the Florida Administrative Register.

The additional changes are being made to the application form to address questions relating to subsection 456.0635(2), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.001 RULE TITLE: Licensure as a Physical Therapist Assistant by Examination

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. 5, February 3, 2012 issue of the Florida Administrative Register.

The additional changes are being made to the application form to address questions relating to subsection 456.0635(2), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.003 RULE TITLE: Licensure by Endorsement

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. 5, February 3, 2012 issue of the Florida Administrative Register.

The additional changes are being made to the application form to address questions relating to subsection 456.0635(2), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-75.003 RULE TITLE: Minimum Technical Qualification Standards by Type of Work

14-75.003: Minimum Technical Qualification Standards by Type of Work

The Florida Department of Transportation hereby gives notice: That on October 25, 2012, the Florida Department of Transportation issued an Order Granting Petition for Variance in response to the Petition for Variance filed by Keith & Associates, seeking a variance from the provisions of Rule 14-75.003(5)(m)(2), F.A.C. The Petitioner specifically requests a variance from the five-year post-registration experience qualification requirement for landscape architecture. The Petition was received by the Department on October 9, 2012. The Department published its notice of receipt of the Petition in the October 18, 2012, edition of the Florida Administrative Register. The Department granted the Petition because Keith & Associates' Director of Landscape Architecture's record of education, pre-registration experience, and accomplishments meets or exceeds the Department's required level of expertise for design of roadway landscape projects.

A copy of the Order or additional information may be obtained by contacting: the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact Patricia A. Parsons at (850)414-5361.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On October 26, 2012 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from SunTrust Financial Centre, filed October 8, 2012, and advertised on October 11, 2012 in Vol. 38, No. 48, of the Florida Administrative Register (formerly FAW). No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 106.1(e)(1), ASME A17.1b, 1989 edition, as adopted by chapter 30, Section 3001.2 Florida Building Code adopted by Rule 61C-5.001(1) Florida Administrative Code that requires upgrading the elevators illumination of pits operations until October 8, 2013 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2012-327).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On October 26, 2012 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Oceanside 99, filed October 4, 2012, and advertised on October 9, 2012 in Vol. 38, No. 46, of the Florida Administrative Register (formerly FAW). No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Rule 61C-5.001(1) Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2012-326).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On October 26, 2012 the Division issued an order. The Final Order was in response to a Petition for a Variance from Madison Street Mixed-Use Redevelopment Project, filed September 26, 2012, and advertised on October 4, 2012 in Vol. 38, No. 43, of the Florida Administrative Register (formerly FAW). No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20, and 2.24.2.1 ASME A17.1b, 2009 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by Rule 61C-5.001(1) Florida Administrative Code that requires upgrading the elevators from the use of 9.5 mm steel rope and requirement of a metallic sheave because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2012-316).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On October 26, 2012 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Hilton at Rialto, filed October 3, 2012, and advertised on October 8, 2012 in Vol. 38, No. 45, of the Florida Administrative Register (formerly FAW). No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, and 3.10.4(t) ASME A17.3, 1996 edition, as adopted by Rule 61C-5.001(1) Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations, and in-car stop switch until December 31, 2014 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2012-325).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On October 26, 2012 the Division issued an order. The Final Order was in response to a Petition for a Variance from Northbridge Centre, filed October 1, 2012, and advertised on October 4, 2012 in Vol. 38, No. 43, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Rule 61C-5.001(1) Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations until June 1, 2014 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2012-319).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:

64B12-16.003: Apprenticeship Requirements and Training Program

NOTICE IS HEREBY GIVEN that on October 11, 2012, the Board of Opticianry received a petition for waiver or variance filed by Wilfred Joseph Laroche, from Rule 64B12-16.003(4), F.A.C., with regard to an apprentice completing 6,240 hours of training within a five year limit after first registering with the Department.

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

A copy of the Petition for Variance or Waiver may be obtained by contacting: Foster, Executive Director, at the above address or telephone (850)245-4474.

Section VI
Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

The Florida Forest Service announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 7, 2012, 1:00 p.m.

PLACE: Doyle Conner Building, Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL 32399-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: Stefis Demetropoulos, 3535 NE 39th Avenue, Gainesville, Florida 32609; phone (352)955-2083, Stefis.Demetropoulos@freshfromflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Stefis Demetropoulos, (352)955-2083. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees announces the following Executive Session and meetings, to which all persons are invited.

EXECUTIVE SESSION:

DATE AND TIME: Tuesday, November 6, 2012, 11:00 a.m. – noon

PLACE: Advanced Technology Center, 401 W. State St., Room T-116, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Session and Board discussion regarding the Faculty Collective Bargaining Agreement and related labor matters pursuant to Section 447.605, Florida Statutes (2012). Pursuant to Section 447.605, Florida Statutes (2012), the Executive Session is closed to the public and exempt from the requirements of Section 286.011, Florida Statutes (2012). Documents prepared for the Executive Session pertaining to faculty collective bargaining are confidential and exempt from Section 119.07(1), Florida Statutes (2012).

LUNCH BREAK:

DATE AND TIME: Tuesday, November 6, 2012, noon – 12:30 p.m.

PLACE: Advanced Technology Center, 401 W. State St., Room T-140, Jacksonville, FL 32202

BOARD WORKSHOP:

DATE AND TIME: Tuesday, November 6, 2012, 12:30 p.m. – 2:00 p.m.

PLACE: Advanced Technology Center, 401 W. State St., Room T-140, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presidential Search Process

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: Tuesday, November 6, 2012, 2:00 p.m. – 3:00 p.m.

PLACE: Administrative Offices, 501 W. State St., Board Room 405, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting

A copy of the agenda may be obtained by contacting: Kimberli Sodek. Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, October 30, 2012, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with the College President, Florida State College at Jacksonville, on or before November 6, 2012. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting. Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise Human Resources 24 hours in advance of the meeting.

FLORIDA STATE COLLEGE AT JACKSONVILLE

Dr. Steven R. Wallace

College President

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

The Early Learning Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2012, 9:00 a.m.

PLACE: 250 Marriott Drive, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Policy Committee will be presented with an overview of Florida's Office of Early Learning's programs and relationships

with the Legislative branch, other stakeholders and the 2013 Legislative Session. Updates will be provided on current initiatives.

A copy of the agenda may be obtained by contacting: Harriet Moore, telephone 850/717-8555; email Harriet.Moore@oel.myflorida.com, or by visiting www.floridaearlylearning.com.

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The Energy Resiliency Summit hosted by the West Florida Regional Planning Council and the Apalachee Regional Planning Council announces a workshop to which all persons are invited.

DATE AND TIME: Nov 15, 2012 from 10 a.m. to 2 p.m. CST

PLACE: Gulf State Community College, the Student Union East Building, room 243, 5230 West Hwy 98, Panama City, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: This summit will be convened to discuss the state's energy policies, usage, scenario building and to develop a strategy and implementation method to make the state more energy resilient. We are seeking involvement by all interested parties to attend this summit.

A copy of the agenda may be obtained by contacting: Terry Joseph at terry.joseph@wfrpc.org or call (850)332-7976 ext 201.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Terry Joseph at terry.joseph@wfrpc.org or call (850)332-7976 ext 201. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Terry Joseph at terry.joseph@wfrpc.org or call (850)332-7976, ext 201.

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 9, 2012: Core Consortium from 9:00 a.m. to 9:45 a.m.; Consortium Meeting from 10:00 a.m. to 12:00 p.m.

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Core Consortium and Consortium of the HUD Sustainable Communities Planning Grant.

A copy of the agenda may be obtained by contacting: Fred Milch at (407)262-7772 or fmilch@ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Fred Milch at (407)262-7772 or fmilch@ecfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Fred Milch at (407)262-7772 or fmilch@ecfrpc.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, in conjunction with the Fish and Wildlife Conservation Commission, announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2012, 6:00 p.m. (Central time)

PLACE: Escambia County Central Complex Building, Room 104, 3363 West Park Place, Pensacola, FL 32505

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), and the Framework Agreement for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill, the Federal and State natural resource trustee agencies (Trustees) have prepared a Draft Phase II Early Restoration Plan and Environmental Review (DERP/ER) describing and proposing two additional early restoration projects intended to continue the process of restoring natural resources and services injured or lost as a result of the Deepwater Horizon oil spill, which occurred on or about April 20, 2010, in the Gulf of Mexico. The Florida and Federal Trustees will host a public meeting to discuss and take public comments on the DERP/ER. A copy of the DERP/ER may be accessed via <http://www.dep.state.fl.us/deepwaterhorizon/>.

A copy of the agenda may be obtained by contacting: Kendra Parson, 3900 Commonwealth Blvd., MS # 30, Tallahassee, FL 32399, telephone: (850)245-2089, email: kendra.parson@dep.state.fl.us.

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

For more information, you may contact: Kendra Parson, 3900 Commonwealth Blvd., MS # 30, Tallahassee, FL 32399, telephone: (850)245-2089, email: kendra.parson@dep.state.fl.us.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-9.007: Standards of Practice

The Board of Medicine hereby gives notice of an additional public hearing on Rule 64B8-9.007, to be held at the Surgical Care Committee meeting on Thursday, November 29, 2012, immediately following the Board's Probation Committee meeting which is currently scheduled for 2:00 pm., at the Peabody Hotel, 9801 International Drive, Orlando, Florida 32819. The rule amendment was originally published in Vol. 38, No. 24, of the June 15, 2012, issue of the Florida Administrative Weekly (FAW). The Board held public hearings on this rule on August 3, 2012, and again on October 11, 2012, but did not come to a decision with regard to making any changes to the rule. As such, an additional public hearing is being held as set forth above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-9.007: Standards of Practice

The Board of Medicine hereby gives notice of a public hearing on Rule 64B8-9.007, to be held at the Surgical Care Committee meeting on Thursday, November 29, 2012, immediately following the Board's Probation Committee meeting which is currently scheduled for 2:00 pm., at the Peabody Hotel, 9801 International Drive, Orlando, Florida 32819. The rule amendment was published in Vol. 38, No. 40, of the October 1, 2012, issue of the Florida Administrative Register (FAR).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

The Department of Health, Board of Respiratory Care announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 15, 2012 beginning at 8:30 a.m. EST or soon thereafter.

PLACE: Conference Call: 1(888)670-3525. After dialing the meet me number, when prompted, insert the participant code 6808029433 followed by the # sign in order to join the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of a Petition for Declaratory Statement.

A copy of the agenda may be obtained by contacting: the Board of Respiratory Care, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399-3255, by visiting our website at: <http://doh.state.fl.us/mqa/respiratory/index.html>, or by calling the board office at (850) 245-4373 ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board/council office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

The Fish and Wildlife Conservation Commission, in conjunction with the Department of Environmental Protection, announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2012, 6:00 p.m. (Central time)

PLACE: Escambia County Central Complex Building, Room 104, 3363 West Park Place, Pensacola, FL 32505

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), and the

Framework Agreement for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill, the Federal and State natural resource trustee agencies (Trustees) have prepared a Draft Phase II Early Restoration Plan and Environmental Review (DERP/ER) describing and proposing two additional early restoration projects intended to continue the process of restoring natural resources and services injured or lost as a result of the Deepwater Horizon oil spill, which occurred on or about April 20, 2010, in the Gulf of Mexico. The Florida and Federal Trustees will host a public meeting to discuss and take public comments on the DERP/ER. A copy of the DERP/ER may be accessed via <http://www.dep.state.fl.us/deepwaterhorizon/>.

A copy of the agenda may be obtained by contacting: Doc Kokol, 620 S. Meridian St., Tallahassee, FL 32399, telephone: (850)488-4676, email: doc.kokol@myfwc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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).

For more information, you may contact: Doc Kokol, 620 S. Meridian St., Tallahassee, FL 32399, telephone: (850)488-4676, email: doc.kokol@myfwc.com.

CLERK OF COURT OPERATIONS CORPORATION

The Florida Clerks of Court Operations Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 13, 2012 at 3:00 p.m. ET

PLACE: Berlin Room, Renaissance Hotel, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and other related issues.

A copy of the agenda may be obtained by contacting: www.flccoc.org or calling (850)386-2223

For more information, you may contact: www.flccoc.org or calling (850)386-2223.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that The Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Pete Quintella, City of

Miami Beach Building Department on July 23, 2012. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 38, No. 31, of the August 3, 2012, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 14, 2012. Petitioner requested the Board to interpret Section 489.105(3)(g), Florida Statutes, and whether it is in the scope of a Class B air conditioning contractor to replace a 2 ton water cooled heat pump unit, which has been piped directly to the riser of a 500 ton water cooling tower; to replace a 2 ton water cooled heat pump unit, with shut off valves connected to the riser of a 500 ton water cooling tower; and to replace a broken shut-off valve feeding a water cooled 2 ton unit which is connected to the riser of a 500 ton water cooling tower. The Board's Order, filed on October 19, 2012, issues a declaratory statement that it is outside the scope of a class B air conditioning contractor to replace a 2 ton water cooled heat pump unit, which has been piped directly to the riser of a 500 ton water cooling tower. Replacement of a 2 ton water cooled heat pump unit, with shut-off valves connected to the riser of a 500 ton water cooling tower is within the contractor's scope. It is outside the contractor's scope to replace a broken shut-off valve feeding a water cooled 2 ton unit which is connected to the riser of a 500 ton water cooling tower.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, P.O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:

61G4-15.0022: Qualification of Joint Ventures

NOTICE IS HEREBY GIVEN that The Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Hoar Construction, LLC on August 20, 2012. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 38, No. 36, of the September 7, 2012, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 14, 2012. Petitioner requested the Board to interpret Rule 61G4-15.0022, Florida Administrative Code, and whether joint ventures that contains at least one qualified contractor must first obtain bid authority under Rule 61G4-15.0022, Florida Administrative Code, before it can present to an owner a

response to an RFQ that contains no construction cost or compensation information. The Board's Order, filed on October 19, 2012, issues a declaratory statement that a joint venture that contains at least one qualified contractor must first obtain bid authority under Rule 61G4-15.0022, Florida Administrative Code, before it can present to an owner a response to an RFQ that contains no construction cost or compensation information.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, P.O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: Drew Winters, Executive Director, Construction Industry Licensing Board, P.O. Box 5257, Tallahassee, Florida 32314-5257.

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

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

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

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

NONE

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

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BDC 19-12/13 Myakka River State Park – Wetland Enhancement

NOTICE OF INVITATION TO BID BID NO. BDC 19-12/13

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from Certified or Registered Contractors licensed to work in the jurisdiction for the project listed below.

PROJECT NAME: Myakka River State Park – Wetland Enhancements

SCOPE OF WORK: The Contractor shall provide the necessary labor, materials, equipment, and supervision required to restore the natural contours of the land to eliminate water channeling at designated sites. Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

MANDATORY PRE-BID MEETING: A mandatory pre-bid meeting will be held at 9:00 AM (ET), Thursday, November 15, 2012 at Myakka River State Park Administration Building. Only those prospective bidders in attendance will be able to submit valid bids.

PROJECT BUDGET: \$200,000.00

PARK LOCATION: Myakka River State Park, 13208 State Rd. 72, Sarasota, Florida (9 miles east of Sarasota on SR 72)

PROJECT MANAGER: Randall Strange, Bureau of Design & Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone Number: (850) 488-5372, Fax Number (850) 488-1141

INSTRUCTIONS: Any firm desiring a Project Manual for this project may obtain a copy by writing to the address or calling the telephone number below. A Compact Disk (CD) containing the plans and specifications will be available on Tuesday, October 30, 2012, at Myakka River State Park, 13208 State Rd. 72, Sarasota, Florida 34241, Attention: Jon Robinson, Park Manager, Telephone: (941) 361-6515, FAX: (941) 361-6501. Documents will be available for download by emailing susan.maynard@dep.state.fl.us & cc: mike.renard@dep.state.fl.us.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the

full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633 Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 - June 30) of odd numbered years in accordance with 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

E-VERIFY: Vendor/Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida and all persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

BID SUBMITTAL DUE DATE: No later than 3:30 PM (ET), Tuesday, December 4, 2012, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850) 488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 4:00 PM (ET), Tuesday, December 11, 2012 unless extended by the Department for good cause.

NOTICE OF RIGHTS; Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850) 245-2242, FAX (850) 245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid

System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Rule 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BDC 14-12/13 Myakka River State Park – Clay Gully Bridge Repairs

NOTICE OF INVITATION TO BID
BID NO. BDC 14-12/13

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from Certified or Registered Contractors licensed to work in the jurisdiction for the project listed below.

PROJECT NAME: Myakka River State Park – Clay Gully Bridge Repairs

SCOPE OF WORK: The Contractor shall provide the necessary labor, materials, equipment, and supervision required to provide stabilization and scour control of the Clay Gully Bridge and asphalt pavement repairs. Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

PROJECT BUDGET: \$150,000.00

PARK LOCATION: Myakka River State Park, 13208 State Rd. 72, Sarasota, Florida (9 miles east of Sarasota on SR 72)

PROJECT MANAGER: Randall Strange, Bureau of Design & Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone Number: (850)488-5372, Fax Number (850)488-1141

INSTRUCTIONS: Any firm desiring a Project Manual for this project may obtain a copy by writing to the address or calling the telephone number below. A Compact Disk (CD) containing the plans and specifications will be available on Tuesday, October 30, 2012, at Myakka River State Park, 13208 State Rd. 72, Sarasota, Florida 34241, Attention: Jon Robinson, Park Manager, Telephone: (941)361-6515, FAX:

(941) 361-6501. Documents are available for download by emailing susan.maynard@dep.state.fl.us & mike.renard@dep.state.fl.us.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

E-VERIFY: Vendor/Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida and all persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

BID SUBMITTAL DUE DATE: No later than 4:00 PM (ET), Thursday, December 4, 2012, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850) 488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 4:00 PM (ET), Tuesday, December 11, 2012 unless extended by the Department for good cause.

NOTICE OF RIGHTS; Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, FAX (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Rule 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

Section XII Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Receipt of Application for Permit Coverage under the State's Generic Permit for MS4's

The Department announces receipt of the application listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from Hernando County. The application is being processed and is available for public inspection during normal business hours, 8 am to 5 pm, Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed application, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address: Ms. Heather Ritchie, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, (M.S. 2500), Tallahassee, FL 32399-2400.

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN October 22, 2012 and October 26, 2012					15-2.002	10/26/12	11/15/12	38/33	
					15-2.003	10/26/12	11/15/12	38/33	
					15-2.004	10/26/12	11/15/12	38/33	
					15-2.005	10/26/12	11/15/12	38/33	
					15-2.006	10/26/12	11/15/12	38/33	
					15-2.007	10/26/12	11/15/12	38/33	
					15-2.008	10/26/12	11/15/12	38/33	
					15-2.009	10/26/12	11/15/12	38/33	
					15-2.010	10/26/12	11/15/12	38/33	
					15-4.001	10/26/12	11/15/12	38/33	
					15-4.002	10/26/12	11/15/12	38/33	
					15-6.001	10/26/12	11/15/12	38/33	
					15-6.002	10/26/12	11/15/12	38/33	
					15-6.002	10/26/12	11/15/12	38/33	
					15-6.003	10/26/12	11/15/12	38/33	
					15-6.004	10/26/12	11/15/12	38/33	
					15-6.005	10/26/12	11/15/12	38/33	
					15-6.006	10/26/12	11/15/12	38/33	
					15-6.007	10/26/12	11/15/12	38/33	
					15-6.008	10/26/12	11/15/12	38/33	
					15-6.009	10/26/12	11/15/12	38/33	
					15-12.001	10/26/12	11/15/12	38/33	
					15-12.002	10/26/12	11/15/12	38/33	
					15-12.003	10/26/12	11/15/12	38/33	
					15-12.004	10/26/12	11/15/12	38/33	
					15-12.005	10/26/12	11/15/12	38/33	
					15-12.006	10/26/12	11/15/12	38/33	
					15-12.007	10/26/12	11/15/12	38/33	
					15-12.008	10/26/12	11/15/12	38/33	
					15-12.009	10/26/12	11/15/12	38/33	
					15-12.010	10/26/12	11/15/12	38/33	
					15-12.011	10/26/12	11/15/12	38/33	
					15-12.012	10/26/12	11/15/12	38/33	
					15-12.013	10/26/12	11/15/12	38/33	
					15-12.014	10/26/12	11/15/12	38/33	
					15-12.015	10/26/12	11/15/12	38/33	
					15-13.001	10/26/12	11/15/12	38/33	
					15-13.002	10/26/12	11/15/12	38/33	
					15-13.003	10/26/12	11/15/12	38/33	
					15-13.004	10/26/12	11/15/12	38/33	
					Division of Florida Highway Patrol				
					15B-2.013	10/26/12	11/15/12	38/33	
					15B-2.016	10/26/12	11/15/12	38/33	
					AGENCY FOR HEALTH CARE ADMINISTRATION				
					Medicaid Program Office				
					59G-13.086	10/23/12	7/1/13	38/8	38/37
					59G-13.088	10/23/12	11/12/12	38/22	38/37

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

61G16-1.0071	10/24/12	11/13/12	38/38	
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Florida Real Estate Commission

61J2-24.001	10/26/12	11/15/12	38/33	
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61J2-24.002	10/26/12	11/15/12	38/33	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.330	10/25/12	11/14/12	38/35	
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62-304.335	10/25/12	11/14/12	38/35	
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62-304.435	10/25/12	11/14/12	38/35	
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62-304.645	10/25/12	11/14/12	38/35	
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DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

64B14-4.003	10/24/12	11/13/12	38/37	
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64B14-4.005	10/24/12	11/13/12	38/37	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

68B-2.006	10/26/12	11/11/12	38/39	
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68B-35.003	10/26/12	11/15/12	38/39	
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68B-35.0035	10/26/12	11/15/12	38/39	
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68B-35.004	10/26/12	11/15/12	38/39	
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68B-35.005	10/26/12	11/15/12	38/39	
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68B-35.006	10/26/12	11/15/12	38/39	
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL
PURSUANT TO (CHAPTER 2010-279, LAWS OF
FLORIDA)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.300	3/2/11	*****	38/3	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-7.020	10/24/11	*****	37/24	37/3
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