

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.008
RULE TITLE: Building Code Administrators and Inspectors Departmental Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Building Code Administrators and Inspectors application forms.

RULEMAKING AUTHORITY: 455.203, 455.213, 455.2179 FS.

LAW IMPLEMENTED: 455.213(1), 455.217(2), 455.271, 468.609, 468.613, 468.627(5) 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.

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: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.012
RULE TITLE: Electrical Contractors' Departmental Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Electrical Contractors' application forms.

RULEMAKING AUTHORITY: 455.203, 455.213, 455.2179 FS.

LAW IMPLEMENTED: 455.213(1), 455.271(6), 489.511, 489.513, 489.517, 489.519, 489.521, 489.522 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.

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: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

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

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: 64J-2.010
RULE TITLE: Apportionment of Trauma Centers within a Trauma Service Area (TSA)

PURPOSE AND EFFECT: To develop an inclusive, sustainable trauma system that distributes trauma centers throughout the state.

SUBJECT AREA TO BE ADDRESSED: To hear comments on Rule 64J-2.010, F.A.C., Apportionment of Trauma Centers within a Trauma Service Area (TSA).

RULEMAKING AUTHORITY: 395.402, 395.405 FS.

LAW IMPLEMENTED: 395.4015, 395.402, 395.4025 FS.

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

DATE AND TIME: January 25, 2013, 9:00 a.m., EST; 8:00 a.m., CST

PLACE: Escambia County Health Department, Conference Room 302 and 303, 1295 West Fairfield Drive, Pensacola, FL 32501

The workshop is available via conference call by dialing (888)808-6959, passcode: 2354440. The workshop will also be available by videoconference. All available locations to participate in the videoconference, the meeting agenda, the 12/21/12 workshop transcripts, and submitted written

comments will be available no later than seven days prior to the workshop at: <http://doh.state.fl.us/demo/Trauma/index.html>.

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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, x2776. 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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, x2776
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL NOT BE AVAILABLE AT THIS RULE DEVELOPMENT WORKSHOP, ONLY INPUT WILL BE RECEIVED.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: 64J-2.010
RULE TITLE: Apportionment of Trauma Centers within a Trauma Service Area (TSA)

PURPOSE AND EFFECT: To develop an inclusive, sustainable trauma system that distributes trauma centers throughout the state.

SUBJECT AREA TO BE ADDRESSED: To hear comments on Rule 64J-2.010, F.A.C., Apportionment of Trauma Centers within a Trauma Service Area (TSA).

RULEMAKING AUTHORITY: 395.402, 395.405 FS.

LAW IMPLEMENTED: 395.4015, 395.402, 395.4025 FS.

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

DATE AND TIME: February 1, 2013, 9:00 a.m., EST; 8:00 a.m., CST

PLACE: Hillsborough County Health Department, Room 200, 1105 East Kennedy Blvd; Tampa, FL 33602

The workshop is available via conference call by dialing (888)808-6959, passcode: 2354440. The workshop will also be available by videoconference. All available locations to participate in the videoconference, the meeting agenda, the 12/21/12 workshop transcripts, and submitted written comments will be available no later than seven days prior to the workshop at: <http://doh.state.fl.us/demo/Trauma/index.html>.

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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, x2776. 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).

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DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: 64J-2.010
RULE TITLE: Apportionment of Trauma Centers within a Trauma Service Area (TSA)

PURPOSE AND EFFECT: To develop an inclusive, sustainable trauma system that distributes trauma centers throughout the state.

SUBJECT AREA TO BE ADDRESSED: To hear comments on Rule 64J-2.010, F.A.C., Apportionment of Trauma Centers within a Trauma Service Area (TSA).

RULEMAKING AUTHORITY: 395.402, 395.405 FS.

LAW IMPLEMENTED: 395.4015, 395.402, 395.4025 FS.

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

DATE AND TIME: February 8, 2013, 9:00 a.m., EST; 8:00 a.m., CST

PLACE: Marion County Health Department, Auditorium 1, 1801 SE 32nd Ave., Ocala, FL 34471

The workshop is available via conference call by dialing (888)808-6959, passcode: 2354440. The workshop will also be available by videoconference. All available locations to participate in the videoconference, the meeting agenda, the 12/21/12 workshop transcripts, and submitted written comments will be available no later than seven days prior to the workshop at: <http://doh.state.fl.us/demo/Trauma/index.html>.

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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, x2776. 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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, x2776
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL NOT BE AVAILABLE AT THIS RULE DEVELOPMENT WORKSHOP, ONLY INPUT WILL BE RECEIVED.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: 64J-2.010
 RULE TITLE: Apportionment of Trauma Centers within a Trauma Service Area (TSA)

PURPOSE AND EFFECT: To develop an inclusive, sustainable trauma system that distributes trauma centers throughout the state.

SUBJECT AREA TO BE ADDRESSED: To hear comments on Rule 64J-2.010, F.A.C., Apportionment of Trauma Centers within a Trauma Service Area (TSA).

RULEMAKING AUTHORITY: 395.402, 395.405 FS.

LAW IMPLEMENTED: 395.4015, 395.402, 395.4025 FS.

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

DATE AND TIME: February 15, 2013, 9:00 a.m., EST; 8:00 a.m., CST

PLACE: Duval County Health Department, Smith Auditorium, 900 University Blvd. North, Suite 102; Jacksonville, FL 32211
 The workshop is available via conference call by dialing (888)808-6959, passcode: 2354440. The workshop will also be available by videoconference. All available locations to participate in the videoconference, the meeting agenda, the 12/21/12 workshop transcripts, and submitted written comments will be available no later than seven days prior to the workshop at: <http://doh.state.fl.us/demo/Trauma/index.html>.

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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850) 245-4440, x2776. 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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, x2776

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL NOT BE AVAILABLE AT THIS RULE DEVELOPMENT WORKSHOP, ONLY INPUT WILL BE RECEIVED.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: 64J-2.010
 RULE TITLE: Apportionment of Trauma Centers within a Trauma Service Area (TSA)

PURPOSE AND EFFECT: To develop an inclusive, sustainable trauma system that distributes trauma centers throughout the state.

SUBJECT AREA TO BE ADDRESSED: To hear comments on Rule 64J-2.010, F.A.C., Apportionment of Trauma Centers within a Trauma Service Area (TSA).

RULEMAKING AUTHORITY: 395.402, 395.405 FS.

LAW IMPLEMENTED: 395.4015, 395.402, 395.4025 FS.

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

DATE AND TIME: February 20, 2013, 9:00 a.m., EST; 8:00 a.m., CST

PLACE: Miami-Dade County Health Department, Beacon Room, 8323 NW 12th St., Suite 212, Doral, FL 33126

The workshop is available via conference call by dialing (888)808-6959, passcode: 2354440. The workshop will also be available by videoconference. All available locations to participate in the videoconference, the meeting agenda, the 12/21/12 workshop transcripts, and submitted written comments will be available no later than seven days prior to the workshop at: <http://doh.state.fl.us/demo/Trauma/index.html>.

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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, x2776. 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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, x2776
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL NOT BE AVAILABLE AT THIS RULE DEVELOPMENT WORKSHOP, ONLY INPUT WILL BE RECEIVED.

**Section II
Proposed Rules**

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.090
RULE TITLE: Payment Methodology for County Health Departments

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-6.090 is to incorporate by reference the Title XIX County Health Department Reimbursement Plan (the Plan), effective July 1, 2012. The rule will update the Plan to reflect changes authorized in House Bill 5001, 2012-13 General Appropriations Act, Specific Appropriation 217, which provides buy back authority for County Health Departments. Also, references to the Bureau of Medicaid Program Analysis will be changed to the Bureau of Medicaid Program Finance.

SUMMARY: Rule 59G-6.090 updates the Plan to reflect changes authorized in House Bill 5001, 2012-13 General Appropriations Act, Specific Appropriation 217, which provides buy back authority for County Health Departments. Also, references to the Bureau of Medicaid Program Analysis will be changed to the Bureau of Medicaid Program Finance.

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: At the time of the analysis of the regulatory impact it was determined that this rule will not require ratification by the Legislature pursuant to Section 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.913 FS

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

DATE AND TIME: February 5, 2013, 9:00 a.m. - 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, 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: Edwin Stephens at edwin.stephens@ahca.myflorida.com or (850)412-4077. 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: Edwin Stephens at edwin.stephens@ahca.myflorida.com or (850)412-4077

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.090 Payment Methodology for County Health Departments.

Reimbursement to participating county health departments for services provided shall be in accordance with the Florida Title XIX County Health Departments Reimbursement Plan Version X Effective Date July 1, 2012+ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908, 409.913, FS. History—New 6-3-93, Formerly 10P-6.090, Amended 3-10-94, 7-21-02, 11-21-04, 1-11-09, 3-24-10, 2-23-11, 5-3-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Professions

RULE NOS.:	RULE TITLES:
61-30.101	Definitions
61-30.103	Examination
61-30.402	Continuing Education Requirements for Biennial Renewal
61-30.502	Provider Requirements, Pre-licensure and Continuing Education
61-30.503	Course Approval, Pre-licensure and Continuing Education
61-30.602	Disciplinary Guidelines
61-30.603	Notice of Noncompliance
61-30.604	Citations
61-30.605	Mediation

61-30.801	Standards of Practice, General
61-30.802	Standards of Practice, Structure
61-30.803	Standards of Practice, Electrical Systems
61-30.804	Standards of Practice, HVAC Systems
61-30.805	Standards of Practice, Roof Covering
61-30.806	Standards of Practice, Plumbing Systems
61-30.807	Standards of Practice, Interior Components
61-30.810	Standards of Practice, Exterior Components
61-30.811	Standards of Practice, Site Conditions that Affect the Structure
61-30.812	Standards of Practice, General Limitations, and Exclusions

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to implement the regulations for Home Inspectors, enacted in Chapter 468, Part XV, Florida Statutes.

SUMMARY: The proposed rules address the licensing and regulation of home inspectors in Florida under Section 468.83, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that these rules 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 rules are not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

RULEMAKING AUTHORITY: 455.02(2), 455.2035, 455.213(6), 455.217(1)(d), 455.219(1),(2), 455.224(2), 455.225(3), 455.227(3), 455.235(1), 455.271(2), (3), (6)(b), (7),(8), 455.2123, 455.2124(2), 455.2177(1)(d), 455.2178(5), 455.2179(1),(3), 455.2273, 468.832, 468.8312(1), 468.8313(4), (6), 468.8314, 468.8315(2), 468.8316(1), (2), 468.8317(2), (3), 468.8319, 468.832, 468.8325 FS.

LAW IMPLEMENTED: 455.02, 455.212, 455.213, 455.217, 455.219, 455.224, 455.225, 455.227, 455.235, 455.271, 455.2124, 455.2177, 455.2178, 455.2179, 455.2273, 468.8311, 468.8312, 468.8313, 468.8314, 468.8315, 468.8316, 468.8317, 468.8319, 468.832, 468.8325 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-1395

THE FULL TEXT OF THE PROPOSED RULES IS:

61-30.101 Definitions.

As used in this chapter, the following terms have the following meanings:

(1) Additional Evaluation: Examination and analysis by a qualified professional engineer, contractor, tradesman or service technician beyond that provided by the home inspection.

(2) Alarm Systems: Warning devices, installed or free standing, including but not limited to: carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms.

(3) Architectural Service: Any practice involving the art and science of building design for construction of any structure or groupings of structures and the use of space within and surrounding the structures or the design for construction, including but not specifically limited to, schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

(4) Automatic Safety Controls: Devices designed and installed to protect systems and components from unsafe conditions.

(5) Component: A part of a system.

(6) Continuing Education Course: A course related to the practice of home inspection. Sales presentations of home inspection products shall not qualify as continuing education courses.

(7) Continuing Education Provider: An entity and any of its agents approved by the department to engage in providing continuing education courses as required by Chapter 61-30, F.A.C.

(8) Course Instructor: Any person approved by the department to conduct training for a department approved course. The instructor's curriculum vitae must demonstrate particular education, knowledge, experience or skill which sets the applicant apart from those he or she will instruct.

(9) Decorative: Ornamental; not required for the operation of the essential systems and components of a home.

(10) Describe: To distinguish a system or component by its type or other observed significant characteristics; to distinguish it from other systems or components.

(11) Dismantle: To take apart or remove any component, device or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine homeowner maintenance.

(12) Directly Supervise: To direct and exercise control over the activities of a person by being physically present at the job site.

(13) Engineering Services: Any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, material and engineering services to such professional service or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with the specifications and design, in conjunction with structures, buildings, machines, equipment, works or processes.

(14) Household Appliances: Ranges, cook-tops, built-in dishwashers, food waste disposers, garage door openers, built-in ovens, built-in microwave ovens, refrigerators, freezers, clothes washers, clothes dryers, built-in trash compactors, ceiling fans or whole-house fans.

(15) Inspect: To examine readily accessible systems and components of a home in accordance with these Standards of Practice, using normal operating controls and opening readily openable access panels

(16) Installed: Attached such that removal requires tools.

(17) Normal operating controls: Devices such as thermostats, switches or valves intended to be operated by the homeowner.

(18) Prelicensure Education Course: An initial course of study approved by the department which provides the educational experience required to certify an individual for licensure as a home inspector pursuant to Rule 61-30.102, F.A.C. and Section 468.8313, F.S. Each course of study must be offered as a single course by a single course provider.

(19) Prelicensure Education Provider: An entity and any of its agents approved by the department to engage in providing prelicensure education courses as required by this chapter.

(20) Readily Accessible: Available for visual inspection without requiring dismantling or destructive means to gain access, moving of items including but not limited to, furniture, personal property, stored items, clothing, wall or floor covering, or debris dismantling, or any action which will likely involve risk to persons or property. For the purposes of this definition, readily accessible includes taking apart or opening a device normally taken apart or opened during the course of normal and routine home maintenance, including opening electrical panels.

(21) Readily Operable Access Panel: A panel provided for homeowner inspection and maintenance that is within normal reach, can be removed by one person and is not sealed in place.

(22) Recreational Facilities: Spas, saunas, steam baths, swimming pools, exercise, entertainment, athletic, playground or other similar equipment and associated accessories.

(23) Report: To communicate in writing.

(24) Representative Number: One component per room for multiple similar interior components such as window and electric outlets; one component on each side of the home for multiple similar exterior components.

(25) Roof Drainage Systems: Components used to carry water off a roof and away from a home.

(26) Service Life: Service life is the expected lifetime, or the acceptable period of use in service of a particular system or component. It is the time that any manufactured item can be expected to be "serviceable," providing proper maintenance has taken place over the period concerned. Service life may vary from region to region, and inspection to inspection based on the home being inspected and the professional opinion and findings of the inspector.

(27) Shut Down: A state in which a system or component cannot be operated by normal operating controls.

(28) Significantly Deficient: Not operating in the manner in which the system or component was designed to operate, not capable of performing its intended function, or creates a significant risk of personal injury during normal, day-to-day use.

(29) Solid Fuel Burning Appliances: A hearth and fire chamber or similar prepared place in which a fire may be built and which is built in conjunction with a chimney; or a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction.

(30) Structural Component: A component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

(31) System: A combination of interacting or interdependent components, assembled to carry out one or more functions.

(32) Technically Exhaustive: An investigation that involves dismantling; the extensive use of advanced techniques, measurements, instruments, testing, calculations, or other means.

(33) Training Day: The equivalent of 8 hours (an hour being no less than 50 minutes of instruction) including breaks and lunch.

(34) Under-floor Crawl Space: The area within the confines of the foundation and between the ground and the underside of the floor.

(35) Unsafe: A condition in a readily accessible, installed system or component which is judged to be a significant risk of personal injury during normal, day-to-day use. The risk may be due to damage, deterioration, improper installation or a change in accepted residential construction standards.

(36) Wiring Methods: Identification of electrical conductors or wires by their general type, such as “non-metallic sheathed cable” (“Romex”), “armored cable” (“bx”) or “knob and tube”, etc.

Rulemaking Authority 455.2035, 455.2178(5), 468.8325 FS. Law Implemented 455.2178, 455.2179, 468.8311, 468.8313(3) FS. History—New _____.

61-30.103 Examination.

Any person desiring initial licensure by examination as a home inspector must pass one of the written examinations approved by the department. The department approves the following written examinations:

(1) The National Home Inspector Examination (NHIE) approved by the department and given by the Examination Board of Professional Home Inspectors (EBPHI). Applicants must achieve a passing grade pursuant to the requirements of the NHIE, Sections 455.217 and 468.8313(4), F.S.

(2) Any other examination approved by the department for the purposes of examination under Section 468.8313, F.S.

(3) The fees for examination and re-examination shall be determined by the vendor and paid by the applicant directly to the vendor providing the examination for licensure.

Rulemaking Authority 455.2035, 455.217(1)(d), 468.8325 FS. Law Implemented 455.217, 468.8313 FS. History—New _____.

61-30.402 Continuing Education Requirements for Biennial Renewal.

(1) Prior to the expiration of each biennial licensure period, and as a condition for renewal of the home inspector license, each person licensed pursuant to Chapter 468, Part XV, Florida Statutes, shall complete a minimum of fourteen (14) hours of continuing education which shall include, at a minimum, all of the following subjects as they relate to the practice of home inspection:

(a) A minimum of twelve (12) hours of instruction regarding home inspection services of the components of a home, including the limited visual examination of the following readily accessible installed systems and components of a home for the purposes of providing a written report of the condition of the home:

1. The structure.
2. Electrical system.
3. HVAC system.
4. Roof covering.
5. Plumbing system.
6. Interior components.
7. Exterior components, and

8. Site conditions that affect the structure.

The twelve hours may include department approved continuing education courses approved by the Construction Industry License Board, the Board of Professional Engineering, the Board of Architecture and Interior Design, the Building Code Administrators and Inspectors Board, or the Electrical Contractors’ Licensing Board.

(f) A minimum of two (2) hours of instruction regarding hurricane mitigation training, which shall include training on completion of the Uniform Mitigation Verification Form and instruction regarding:

1. Roof deck attachment;
2. Secondary roof water barrier;
3. Roof covering, gable end bracing;
4. Reinforce roof-to-wall connection;
5. Opening protection;
6. Exterior doors; or
7. Other hurricane mitigation methods.

(2) A licensee who is an instructor may obtain continuing education credits in the amount of the credits allowed for that course or seminar for his/her first presentation of such course or seminar presentation.

(3) No licensee may claim credit until after the credit has been earned by that licensee.

(4) Licensees need not comply with continuing education requirements prior to the licensee’s first full renewal cycle.

Rulemaking Authority 455.2035, 468.8315, 468.8316, 468.8325 FS. Law Implemented 455.2124, 468.8315, 468.8316 FS. History—New _____.

61-30.502 Provider Requirements, Prelicensure and Continuing Education.

(1) The course provider shall not offer any courses if the provider status is expired or under discipline.

(2) The department retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The department shall reject individual programs given by a provider if the provider disseminates any false or misleading information in connection with the educational programs, or if the provider fails to conform to and abide by the rules of the department.

(3) If the provider status is revoked by the department, the provider cannot reapply to be registered as a provider for two years from the date of the Final Order revoking the registration.

(4) To maintain status as a prelicensure or continuing education provider, the provider must:

(a) Require each licensee to complete the entire course or seminar in order to receive credit for the course.

(b) Provide the Florida Department of Business and Professional Regulation (DBPR) provider number on all course advertisements.

(c) Furnish each licensee with an individual certificate of attendance that contains the licensee's name, the licensee's license number, provider name, provider number, course name, course number, date of the course completion and the total number of hours successfully complete in each subject.

(d) Maintain all records for four (4) years, available for inspection by the department or the department's designee.

(e) Report one education credit for each hour of classroom or interactive distance learning instruction. An "hour of classroom or interactive distance learning instruction" requires no less than fifty (50) minutes of instruction or participation.

(f) Any changes in the course provider name, address or telephone number must be submitted in writing to the department within 30 days of such change.

(5) To maintain status as a continuing education provider, the provider must also:

(a) Electronically report continuing education course attendance records in compliance with Section 455.2178, F.S. The provider is required to resolve reporting conflicts with the licensee by the expiration date of the training course.

(b) Allow the department's designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit in order to audit or monitor the information.

Rulemaking Authority, 455.2035, 468.8313, 468.8316, 468.8325 FS, Law Implemented, 455.2178, 455.2179, 468.8313, 468.8316 FS, History—New _____.

61-30.503 Course Approval, Precicensure and Continuing Education.

(1) Precicensure and continuing education courses shall be valid for purposes of the licensure and continuing education requirement only if such courses have received approval from the department before the course is offered.

(2) The department shall approve education courses for two years from the date approved when the following requirements are met:

(a) Application for courses must be submitted using the Home Inspector Course Application, form number DBPR HI 0404, "Education Course Application", effective July 2012, adopted and incorporated herein by reference. The form may be obtained by contacting the department at the following address: Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at _____.

(b) The course provider shall submit to the department the following for course approval before the course is offered: an application, a detailed course outline describing the course's

content and subject matter, and a written statement that explains in detail how the course relates to the practice of home inspection.

(c) The application shall include the total number of classroom or interactive distance learning hours, the course syllabus, and the name and qualifications of all instructors.

(3) A course provider making application to offer interactive distance learning must submit documents indicating the following:

(a) The means by which the course will demonstrate interactivity between the student and course provider, which promotes student involvement, and demonstrates that the course measures learning and addresses comprehension of content at regular intervals.

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion.

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course.

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the course.

(e) That the student will be required to complete a statement at the beginning and end of the course that indicates that he/she personally completed each module/session of instruction.

(f) The means by which the course provider will verify student identification.

(4) Continuing education courses must address home inspection subjects and shall not involve the promotion or sale of any products.

(5) Any substantive changes made to approved courses, which shall include instructor changes, must be approved by the department before the changed course can be offered. Course approval shall be rescinded by the department if such notification is not made or the changes fail to otherwise conform to this rule.

(6) Course approvals shall be automatically rescinded if the provider status expires or is rescinded by disciplinary action.

(7) Instructors.

(a) To demonstrate the education and/or experience necessary to instruct home inspectors for continuing education credit, instructors must submit a resume and be approved by the department to teach the course, or parts of a course, to which the instructor is assigned.

(b) No home inspector or provider who is under disciplinary restrictions pursuant to any order of the department may conduct continuing education. Upon receipt of notice that an instructor is under discipline, the provider shall,

within seven (7) days, write to the Home Inspection Licensing Program and confirm that the instructor is no longer instructing any course or seminar offered by the provider.

(c) Upon a change of instructors, the provider shall submit the credentials of the new instructor to the department for approval.

Rulemaking Authority 455.2035, 455.213(6) 468.8313(3) 468.8316, 468.8325 FS. Law Implemented 455.213(6), 455.2177(4), 455.2178, 455.2179, 468.8313, 468.8316 FS. History—New _____.

61-30.602 Disciplinary Guidelines.

(1) Whenever the department finds a licensee in violation of a provision of Chapter 455 or 468, Part XV, F.S., the following Disciplinary Guidelines shall be followed:

<u>Statutory Violation</u>	<u>Description of Violation</u>	<u>Penalty Range for First Violation.</u>	<u>Penalty Range for Subsequent Violation.</u>
468.832 (1)(a)	<u>Violation of any provision of Chapter 468, Part XV or 455.227(1)F.S.</u>	<u>Fine up to \$1000, plus reprimand, probation, or suspension.</u>	<u>Fine up to \$5000, plus probation, suspension, revocation.</u>
468.832 (1)(b)	<u>Attempting to procure a license by bribery or fraudulent misrepresentations.</u>	<u>Fine up to \$1000, plus reprimand, probation, suspension, revocation, or denial of license.</u>	<u>Fine up to \$5000, plus probation, suspension, revocation, denial of license.</u>
468.832 (1)(c) or 455.227(1)(f)	<u>Having a license to practice home inspection services revoked, suspended, denied or acted against in another state, territory or country.</u>	<u>Fine up to \$1000, plus reprimand, probation, suspension, or revocation.</u>	<u>Fine up to \$5000 plus reprimand, probation, suspension, or revocation.</u>
468.832 (1)(d) or 455.227(1)(c)	<u>Being convicted, found guilty, pleading nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice or ability to practice home inspection services.</u>	<u>Fine up to \$1000, plus reprimand, suspension, or revocation.</u>	<u>Fine up to \$5000, plus revocation</u>
468.832 (1)(e) or 455.227(1)(l)	<u>Making or filing a report or record the licensee knows to be false, willfully failing to file a record or report required by state or federal law, willfully impeding or obstructing such filing.</u>	<u>Fine up to \$1000, plus reprimand, probation, suspension, or revocation.</u>	<u>Fine up to \$5000, plus revocation.</u>
468.832 (1)(f)	<u>Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.</u>	<u>Fine up to \$1000 plus reprimand, probation, or suspension.</u>	<u>Fine up to \$5000; plus reprimand, probation, suspension, pevocation.</u>
468.832 (1)(g)	<u>Engaging in fraud, deceit, negligence, incompetence or misconduct in the practice of home inspection services.</u>	<u>Fine up to \$5000, plus reprimand, probation, suspension, or revocation.</u>	<u>Fine up to \$5000, plus reprimand, probation, suspension, revocation.</u>

468.832 (1)(h)	<u>Failing to perform any statutory or legal obligation placed upon a licensed home inspector; violating any provision of this chapter, a rule of the department, or a lawful order of the department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department.</u>	<u>Fine up to \$1000, plus reprimand, probation, or suspension.</u>	<u>Fine up to \$5000, plus probation, suspension, revocation.</u>
468.832 (1)(i)	<u>Practicing on a revoked, suspended, inactive or delinquent license.</u>	<u>Fine up to \$1000, plus reprimand, probation, suspension, or revocation.</u>	<u>Fine up to \$5000, plus probation, suspension, revocation.</u>
455.227(1)(a)	<u>Making false, fraudulent, deceptive or misleading representations in or related to the practice of the licensee's profession.</u>	<u>Fine up to \$1000, plus reprimand, probation, or suspension.</u>	<u>Fine up to \$5000, plus reprimand, probation, suspension, revocation.</u>
455.227(1)(b)	<u>Intentionally violating any rule adopted by the department.</u>	<u>Fine up to \$1000, plus reprimand, probation, or suspension.</u>	<u>Fine up to \$5000, plus suspension, revocation.</u>
455.227(1)(g)	<u>Having been found civilly liable for knowingly filing a false report or complaint with the department against another licensee.</u>	<u>Fine up to \$1000, plus reprimand, or probation.</u>	<u>Fine up to \$5000, plus suspension, revocation.</u>
455.227(1)(h)	<u>Attempting to obtain, obtaining or renewing a license to practice by bribery or fraudulent misrepresentation or through an error of the department.</u>	<u>Fine up to \$1000; Plus Reprimand, Probation, Suspension, or Revocation.</u>	<u>Fine up to \$5000; plus probation, suspension, revocation.</u>
455.227(1)(i)	<u>Failing to report to the department any person who the licensee knows is in violation of Chapter 455, the chapter regulating the alleged violator, or the rules of the department</u>	<u>Fine up to \$1000, plus reprimand.</u>	<u>Fine up to \$5000, plus probation, suspension, revocation.</u>
455.227(1)(j)	<u>Aid, assist, procure, employ or advise an unlicensed person or entity to practice profession contrary to Chapter 468, Part XV, or 455, or rules of the department.</u>	<u>Fine up to \$1000, plus reprimand, probation, suspension, or revocation.</u>	<u>Fine up to \$5000, plus suspension, revocation.</u>
455.227(1)(k)	<u>Failing to perform any statutory or legal obligation placed upon a licensee.</u>	<u>Fine up to \$5000, plus reprimand, probation, suspension, or revocation.</u>	<u>Fine up to \$5000, plus suspension, revocation.</u>
455.227(1)(m)	<u>Making deceptive, untrue or fraudulent representations in or related to the practice of the licensee's profession.</u>	<u>Fine up to \$1000, plus reprimand, suspension, or revocation.</u>	<u>Fine up to \$5000, plus revocation, denial of license.</u>

455.227(1)(n)	Exercise influence on client for improper financial gain of licensee or third party.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus reprimand, probation, suspension, revocation.
455.227(1)(o)	Practicing or offering to practice beyond the scope of a license.	Fine up to \$1000, plus reprimand, probation.	Fine up to \$5000, plus suspension.
455.227(1)(p)	Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance knows or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.	Fine up to \$1000, plus reprimand, probation.	Fine up to \$5000, plus suspension, revocation.
455.227(1)(q)	Violating any provision of Chapter 468, Part XV, or 455, rules of the department or any lawful order of the department.	Fine up to \$1000, plus reprimand, probation.	Fine up to \$2500, plus probation, suspension.
455.227(1)(r)	Improperly interfering with an investigation, inspection or disciplinary proceeding.	Fine up to \$1000, plus reprimand, probation, suspension, or denial of licensure.	Fine up to \$1000, plus suspension, revocation, denial of licensure.
455.227(1)(t)	Failing to report in writing to the department within 30 days after the licensee is convicted of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.	Fine up to \$1000, plus reprimand, suspension, or revocation.	Fine up to \$5000, plus revocation.

(2) Additional Conditions which may be imposed through a final order:

(a) Licensee is placed on probation for a period of time as determined by the department;

(b) Failure to comply with any provision of an order shall result in the filing of a new complaint and if the licensee is found to be in violation, the license will be suspended until the licensee is compliant;

(c) The licensee shall demonstrate compliance with all the conditions of the Final Order, prior to the lifting of probation;

(d) Licensee shall complete additional continuing education courses of a specified type, as set forth by the Final Order, not to exceed more than 24 hours of continuing education courses;

(e) Licensee shall, as specified in the Final Order, provide quarterly reports setting forth the number and type of home inspections conducted, provide copies of completed home inspection reports, and any other documentation determined by the Department to be necessary for the monitoring of the licensee.

(3) Aggravating/Mitigating Circumstances: The existence of aggravating or mitigating circumstances, as set forth below, will permit deviation from the guidelines upon clear and convincing evidence.

(a) Aggravating circumstances: circumstances which may justify deviating from the disciplinary guidelines include, but are not limited to:

1. History of previous violations of the practice act or the rules promulgated thereunder;
2. The magnitude and scope of the project and the damage inflicted upon the public;
3. Evidence of violations of professional practice acts in other jurisdictions which resulted in discipline by the regulatory authority;
4. Failure to attempt to correct the violation by the licensee;
5. Any other relevant aggravating circumstances.

(b) Mitigating circumstances: circumstances which may justify deviating from the disciplinary guidelines include, but are not limited to:

1. In cases of negligence, the minor nature of the project in question and the lack of danger to the public health, safety or welfare which resulted;
2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices or has practiced;
3. Restitution of any damages suffered by the licensee's client;

4. Remedial steps taken by the licensee to avoid similar violations in the future;

5. Attempts by the licensee to correct the violation;

6. Any other relevant mitigating circumstances.

Rulemaking Authority 455.2035, 455.227(3), 455.2273, 468.8325 FS. Law Implemented 455.227, 455.2273, 468.832, 468.8319 FS. History–New _____.

61-30.603 Notice of Noncompliance.

(1) As an alternative to the provisions of Section 455.225(3)(a), F.S., the department shall provide a licensee with a notice of noncompliance for an initial offense of a minor violation in any instance in which it is reasonable to assume that the licensee is unaware of the rule or statutory obligation or is unclear as to how to comply with it.

(2) Failure to provide a copy of the home inspector’s license and disclosure of the scope and exclusions of a home inspection prior to contracting for or commencing a home inspection, in violation of 468.8321 constitutes as a minor violation for which a notice of non-compliance may be issued.

(3) This designation of violations as minor for the purposes of Section 455.225(3), F.S., is limited to initial violations in which corrective action is commenced within 15 days of the department’s issuance of a notice of noncompliance. The violation must be corrected within 15 days. If it cannot be corrected within 15 days, then corrective action must be commenced within 15 days and the licensee must move with due diligence to complete the corrective action. A violation which continues past that period shall no longer be deemed a minor violation and shall be treated as a citation offense, pursuant to Rule 61-30.604, F.A.C. Violations of this section, except as provided herein, shall be handled in accordance with the standard disciplinary guidelines. Nothing provided in this section shall restrict the department from seeking full prosecution in such instances where aggravating circumstances are present, which would preclude a minor violation dismissal.

Rulemaking Authority 455.225(3) FS. Law Implemented 455.225, 468.832, 468.8319, 120.695(1) FS. History–New _____.

61-30.604 Citations.

(1) The following violations may be resolved by the issuance of a citation pursuant to Section 455.224, F.S., and Chapter 61-30, F.A.C.:

<u>Violation</u>	<u>Fine</u>
(a) Practice by an individual with an inactive or delinquent license in violation of Section 468.832(1)(i), F.S.	\$1,000.00

(b) Failure to commence corrective action within 15 days of the department’s issuance of a notice of noncompliance or where the offense is other than the initial one in violation of Rule 61-30.603, F.A.C. \$500.00

(c) Failure to provide a copy of the disclosure of the scope and exclusions of a home inspection prior to contracting for or commencing a home inspection in violation of Section 468.8321, F.S. \$1,000.00

(d) Failure to maintain at least \$300,000 general liability insurance coverage in violation of Section 468.8322, F.S. \$1,000.00

(2) In addition to the penalties specified above, the department may recover the costs of investigation associated with the citation.

(3) Citations shall be issued pursuant to this rule where no harm to consumers results from the violation.

Rulemaking Authority 455.2035, 455.224(2), 468.8325 FS. Law Implemented 455.224, 468.832, 468.8321, 468.8322 FS. History–New _____.

61-30.605 Mediation.

The following alleged violations may be resolved by mediation using the procedure adopted by the department pursuant to Section 455.2235, F.S.:

(1) Section 468.832(1)(g), F.S., Committing fraud, deceit, negligence, incompetency or misconduct in the practice of home inspection related services.

(2) Section 468.832(1)(h), F.S., Failing to perform any statutory or legal obligation placed upon a licensed home inspector.

Rulemaking Authority 455.2035, 455.2235(1) FS. Law Implemented 455.2235 FS. History–New _____.

61-30.801 Standards of Practice, General.

(1) Home inspections performed to these Standards of Practice are intended to provide the client with information regarding the overall condition of installed systems and components of the home based on observation of the visible and apparent condition of the structure and components at the time of the home inspection and to report on the presence of any material defects. A home inspection does not include the prediction of future conditions.

(2) These standards shall not be construed as limiting the scope of the inspection process in those areas where the inspector is qualified and/or has special knowledge.

(3) The inspector shall inspect readily accessible, installed systems and components of homes listed in these Standards of Practice by using normal operating controls and opening readily operable access panels. Where multiple instances of the same component exist, a representative number shall be inspected.

(4) The inspector shall inspect and report as required by Section 468.8323, F.S., when required by these standards, systems or components by their type and/or significant characteristics.

(5) If not self-evident to the client at the time of inspection, the inspector shall give a reason why, in his or her opinion, the system or component was reported as significantly deficient or near the end of its service life.

(6) The inspector shall make recommendations for correction and/or monitoring, or further evaluation of the deficiencies that the inspector observed.

(7) These Standards of Practice do not limit inspectors from:

(a) Including other inspection services, in addition to those required by these Standards of Practice;

(b) Specifying repairs, provided the inspector is appropriately qualified.

(c) Excluding systems and components from the inspection if agreed upon in writing by the inspector and client.

Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History–New _____.

61-30.802 Standards of Practice, Structure.

(1) Structural system and components include the following:

(a) Foundation;

(b) Floor structure;

(c) Wall structure;

(d) Ceiling structure;

(e) Roof structure;

(f) Posts;

(g) Beams;

(h) Columns;

(i) Joists;

(k) Rafters;

(l) Trusses;

(m) Other framing, and

(n) Ventilation of attics and structural supports.

(2) The inspector shall inspect all of the visible structural systems and components by probing structural components where deterioration is visible or suspected or where clear indications of possible deterioration exist. Probing is not required when, in the opinion of the inspector, probing would only further damage any area already identified as defective or where no deterioration is visible or presumed to exist.

(3) The inspector is not required to enter or traverse any under-floor crawl space or attic, if in the opinion of the inspector:

(a) An unsafe or unsanitary condition exists;

(b) Enter areas in which inadequate clearance exists to allow the inspector safe entry or traversing;

(c) The potential exists to cause damage to insulation, ductwork, other components or stored items.

(4) The inspector is not required to provide any engineering or architectural services or offer an opinion as to the adequacy of any structural system or component.

Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History–New _____.

61-30.803 Standards of Practice, Electrical Systems.

(1) Electrical systems and components include the following:

(a) Service entrance conductors, drip loop, cables, and raceways;

(b) Main service equipment and main disconnects;

(c) Service grounding;

(d) Interior components of main service panels and sub panels;

(e) Conductors;

(f) Over current protection devices;

(g) Readily accessible installed lighting fixtures, switches, and receptacles;

(h) Ground fault circuit interrupters;

(i) Amperage and voltage rating of electrical service;

(j) Main disconnect(s);

(k) Methods or types of wiring;

(l) Smoke detectors;

(m) Carbon monoxide detectors.

(n) Arc fault circuit interrupters.

(2) The inspector shall inspect all of the visible and readily accessibly electrical systems and components.

(3) The inspector is not required to inspect:

(a) Remote control devices;

(b) Security alarm systems and components;

(c) Low voltage wiring, systems and components, ancillary wiring and systems and components not a part of the primary electrical power distribution system;

(d) Generators, photovoltaic solar collectors or battery or electrical storage devices and associated equipment.

(4) The inspector is not required to:

(a) Measure amperage, voltage or impedance;

(b) Perform a load calculation;

(c) Insert any tool, probe, or device into any electrical component;

(d) Determine the accuracy of circuit labeling.

Rulemaking Authority 468.8325, FS. Law Implemented 468.8323, 468.832(1)(j) FS. History–New _____.

61-30.804 Standards of Practice, HVAC Systems.

(1) HVAC systems and components include heating and air conditioning systems and components and HVAC distribution systems and components:

(2) Heating and air conditioning systems and components:

(a) The heating and air conditioning (HVAC) systems and components include the following:

1. Installed heating equipment;
2. Fuel storage and fuel distribution systems;
3. Vent systems, flues, and chimneys;
4. Ductwork and air distribution components;
5. Mechanical ventilation systems.
6. Heating system energy source(s);
7. Heating system capacity in BTUs or kilowatts;

(b) The inspector shall inspect all readily accessible heating and air conditioning systems and components.

(c) The inspector is not required to inspect:

1. Interiors of flues or chimneys which are not readily accessible;

2. Heat exchangers;
3. Humidifiers or dehumidifiers;
4. Electronic air filters, sanitizers, or UV lights;
5. Solar space heating systems.

(3) HVAC distribution systems and components:

(a) The heating and air conditioning (HVAC) distribution systems and components include the following:

1. Energy source;
2. Cooling method by its distinguishing characteristics;
3. The presence of condensate over flow warning/shutoff devices.

(b) The inspector shall inspect readily accessible HVAC distribution systems.

(c) With regards to HVAC distribution systems, the inspector is not required to inspect:

1. Electronic air filters, sanitizers, or UV lights;
2. Humidistats;
3. Automatic HVAC zoned systems, dampers, controls,

that are not readily accessible;

4. Removable window air conditioning systems.

(3) The inspector is not required to:

(a) Determine heat supply adequacy or distribution balance;

(b) Operate heat pump systems when ambient temperatures pose the potential for damage to the air conditioning system;

(c) Determine cooling supply adequacy, distribution balance or indoor air quality;

(d) Operate the air conditioning system when ambient temperatures pose the potential for damage to the air conditioning system.

Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New _____.

61-30.805 Standards of Practice. Roof Covering.

(1) Roof covering systems and components include the following:

- (a) Roofing materials;
- (b) Flashings;
- (c) Skylights, chimneys, and roof penetrations;
- (d) Roof drainage systems;
- (e) Ventilation of attics and structural supports; and
- (f) Insulation of attics.

(2) The inspector shall inspect all of the visible and readily accessible roof covering systems and components.

(3) The inspector is not required to inspect:

- (a) Components or systems that are not readily accessible;
- (b) Antenna or other installed accessories;
- (c) Interiors of flues or chimneys which are not readily accessible.

(4) The inspector is not required to walk on the roof surface when, in the opinion of the inspector, the following conditions exist:

- (a) Roof slope is excessive to safely walk on;
- (b) There is no safe access to the roof;
- (c) Climatic conditions render the roof unsafe to walk on;
- (d) Condition of the roofing material or roof decking renders the roof unsafe to walk on;
- (e) Walking on the roof may cause damage to the roof covering materials;
- (f) Walking will place any liability or danger to the homeowner or other representatives involved in the home inspection process.

- (5) The inspector is not required to disturb insulation.

Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New _____.

61-30.806 Standards of Practice. Plumbing System.

(1) Plumbing systems and components include the following:

- (a) Interior water supply piping and distribution systems including all fixtures, faucets, and components;
- (b) Drain, waste and vent systems, including all plumbing fixtures;
- (c) Water heating equipment;
- (d) Vent systems, flues, and chimneys;
- (e) Drainage sumps, sump pumps, and related piping;
- (f) Materials used for water supply, drain, waste, and vent piping;
- (g) Water heating equipment including the energy source; and
- (h) Main water and main fuel shut-off valves.

(2) The inspector shall inspect all of the visible and readily accessible plumbing systems and components.

- (3) The inspector is not required to inspect:

(a) Wells or water storage related equipment;

(b) Water conditioning systems;

(c) Solar water heating systems;

(d) Fire sprinkler systems;

(e) Private waste disposal systems;

(g) Irrigation system(s).

(4) The inspector is not required to:

(a) Test shower pans, tub and shower surround for leakage;

(b) Operate safety valves or shut-off valves.

(c) Determine whether water supply and waste disposal systems are public or private;

(d) Determine the quantity or quality of the water supply, or if the function flow at the time of the inspection or thereafter will meet the client's needs.

Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New _____.

61-30.807 Standards of Practice, Interior Components.

(1) The interior components that shall be inspected include the following:

(a) Interior walls, ceilings, and floors;

(b) Steps, stairways, and railings;

(c) Countertops and representative number of installed cabinets;

(d) Garage doors and garage door operators;

(e) Interior and exterior Doors and windows and their operating locks and latches or other opening mechanisms;

(f) Insulation and vapor retarders in unfinished spaces;

(g) Fireplaces and solid fuel burning appliances;

(h) Vent systems, flues, and chimneys;

(i) Household appliances.

(2) The inspector shall inspect all of the visible and readily accessibly plumbing systems and components. When inspecting doors and windows, the inspector may inspect a representative number of doors and windows. The inspector shall inspect household appliances for normal operation – using normal operating controls to activate a primary function.

(3) The inspector is not required to inspect:

(a) Paint, wallpaper, window treatments, and other specialty finish treatments;

(b) Carpeting;

(c) Window treatments;

(d) Central vacuum systems;

(e) Recreational facilities.

(f) Fire screens and doors, if not permanently attached;

(g) Seals and gaskets on fireplaces;

(h) Automatic fuel feed devices;

(i) Mantles and fireplace surrounds;

(j) Combustion make-up air devices;

(k) Heat distribution assists whether gravity controlled or fan assisted in fireplaces.

(4) The inspector is not required to:

(a) Open or operate any windows or doors and access covers that are permanently or temporarily secured by mechanical means, are painted shut, or are blocked by stored items or furniture;

(b) Open or operate any windows or doors or access covers that are permanently or temporarily secured by mechanical means, are painted shut, or are blocked by stored items or furniture;

(c) Ignite or extinguish fires;

(d) Light gas fireplaces or heaters, or other unlit pilot light devices;

(e) Determine draft characteristics for fireplaces and chimneys;

(f) Move fireplace inserts or stoves or firebox contents.

(g) Disturb insulation;

(h) Activate any system or appliance that is shut down, disconnected, or otherwise rendered inoperable;

(i) Operate or evaluate any system, component or appliance that does not respond to normal user controls;

(j) Operate any gas appliance that requires the manual lighting of a pilot light or burner device;

(k) Operate any system, appliance or feature that requires the use of special codes, keys, combinations, or devices or where user manual reference is required;

(l) Operate any system, component, or appliance where in the opinion of the inspector, damage may occur;

(m) Determine thermostat(s) calibration, adequacy of heating elements, operate or evaluate self cleaning cycles, door seals, indicator lights, timers, clocks or timed features, defrost cycles or frost free features, or other specialist features as it applies to the appliance device;

(n) Determine leakage from microwaves ovens;

(o) Determine the presence or operation of back draft damper devices in exhaust devices;

(p) Move any appliance;

(q) Confirm operation of every control or feature of a system or appliance.

Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New _____.

61-30.810 Standards of Practice, Exterior Components.

(1) Exterior systems and components include the following:

(a) Exterior wall cladding, flashing and trim;

(b) All exterior doors;

(c) Attached decks, balconies, stoops, steps, porches, and their associated railings;

(d) Eaves, soffits and fascias where accessible from the ground level;

(e) Walkways, patios, and driveways leading to the dwelling entrances;

(f) Exterior siding/cladding;

(g) Ventilation of attics and foundation areas.

(2) The inspector shall inspect all of the visible and readily accessible exterior systems and components.

(3) The inspector is not required to inspect:

(a) Window and door screening, shutters, awnings, and similar seasonal or protective accessories and devices;

(b) Fences;

(c) Geological, geotechnical or hydrological conditions;

(d) Recreational facilities;

(e) Outbuildings;

(f) Swimming pools, seawalls, break-walls, boat lifts and / or docks;

(g) Erosion control and earth stabilization measures.

(4) The inspector is not required to move furniture, appliances, lawn and garden equipment, tools, stored items, wall decorations, floor covering, clothing or any items that block the view and access to components or structures.

Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New _____.

61-30.811 Standards of Practice, Site Conditions that Affect the Structure.

(1) Site conditions that affect the structure include the following:

(a) Vegetation;

(b) Grading;

(c) Surface drainage; and

(f) Retaining walls on the property when any of these are likely to adversely affect the structure.

(2) The inspector shall inspect all of the visible and readily accessible site conditions that affect the structure.

(3) The inspector is not required to inspect:

(a) Geological, geotechnical or hydrological site conditions;

(b) Erosion control and earth stabilization measures.

Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New _____.

61-30.812 Standards of Practice, General Limitations and Exclusions.

(1) General limitations for inspections:

(a) Inspections are visual, non-invasive only and are not technically exhaustive.

(b) Inspections are subjective and rely upon the inspector's opinion, judgment, training, and experience.

(2) Home inspectors are not required to perform any action or make any determination unless specifically stated in these Standards of Practice. Inspectors are not required to:

(a) Determine the condition of systems or components which are not readily accessible;

(b) Offer or give warranties or guarantees of any kind;

(c) Operate:

1. Any system or component which is shut down or otherwise inoperable or could cause damage;

2. Any system or component which does not respond to normal operating controls;

3. Shut-off valves of any type;

4. Automatic safety controls, valves or devices of any type;

(d) Enter:

1. Any area which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components. This situation shall be noted in the home inspection report;

2. The under-floor crawl space or attics which are not readily accessible. This situation shall be noted in the home inspection report;

(e) Inspect:

1. Systems or components which are not installed or readily accessible;

2. Installed decorative items;

3. Systems or components located in areas that are not entered in accordance with these Standards of Practice;

4. Detached structures other than garages and carports;

5. Common elements or common areas in multi-unit housing, such as condominium properties or cooperative housing;

(f) Perform any procedure or operation which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components. This situation shall be noted in the home inspection report;

(g) Describe or report on any system or component that is not included in these Standards and was not inspected;

(h) Move furniture, appliances, lawn and garden equipment, tools, stored items, personal belongings, wall or floor decorations, floor covering, suspended ceilings, clothing, debris, soil, snow, ice or any items or material that blocks view and/or access to areas, components or structures. This situation will be noted in the home inspection report.

(3) Home Inspectors shall not practice beyond the scope of their license as a home inspector. The following actions are beyond the scope of a Home Inspector License:

(a) Identifying concealed conditions or latent defects;

(b) Determining:

1. The strength, adequacy, effectiveness, or efficiency of any system or component;

2. The causes of any condition or deficiency;

3. The methods, materials, or costs of corrections;

4. Future conditions including, but not limited to, failure of systems and components;

5. The suitability of the property for any specialized use;

6. Compliance with regulatory requirements (codes, regulations, laws, ordinances, etc.), manufacturer specifications, installation procedures or instructions;

7. The market value of the property or its marketability;

8. The advisability of the purchase of the property;

9. The presence of potentially hazardous plants or animals including, but not limited to wood destroying organisms or diseases harmful to humans;

10. The presence of any environmental hazards including, but not limited to fungi, molds, toxins, carcinogens, noise, and contaminants in soil, water, and air;

11. The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances;

12. The operating costs of systems or components;

13. The acoustical properties of any system or component;

14. Conditions that might affect the ability to obtain insurance and/or the price of insurance;

15. The calibration of measuring devices including timers, clocks, thermostats, and gauges;

17. The presence of manufacturers' defects in any product, material, component, equipment, or system, or information related to recall notices;

16. The integrity of thermal glass seals;
18. Installation conformance to manufacturers' instructions for any product, component, element, device, or system;

(c) Offering to:

1. Perform any act or service contrary to law;

2. Perform engineering/architectural services;

3. Perform work in any trade or any professional service other than home inspection, unless licensed to do so;

(d) Inspecting:

1. Underground items including, but not limited to underground storage tanks or other indications of their presence, whether abandoned or active;

2. Recreational facilities;

(e) Dismantling any system or component, except as explicitly required by these Standards of Practice;

(f) Utilizing special instruments, tools, or measuring devices of any kind to measure moisture, humidity, water or air volume, water or air flow, water potability, air quality, temperature, voltage, amperage, electrical grounding, polarity, and continuity, VOC's, microwaves, electromagnetic fields, and other similar kinds of conditions or activities;

(g) Operating equipment, appliances, or devices on more than one cycle, zone, or phase or operate any device, appliance, system, or equipment which in the opinion of the inspector may fail during the act of inspection; and

(h) Providing any information from any source regarding property ownership, property boundaries, liens, outstanding loans, code violations, reports of hazardous materials, manufacturers' recalls, Consumer Protection Agency bulletins, and other similar kinds of public information.

Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Morrison, Executive Director, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-1395

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

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

DATE THE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

PURPOSE AND EFFECT: Implement limited changes to the 2010 Florida Building Code (the Code) that meet the criteria established by Section 553.73(8), Florida Statutes, identified as an update to the administrative and technical requirements of the Code including an exemption for hunting cabins and an amended definition for the term "Bedroom" per change to Florida law; amendments to achieve state construction code consistency for public swimming pools; amendments to correct specific reference code sections and typos; amendments to update industry standards for wood design and testing of impact protective products; amendment to allow dry flood proofing in Coastal A Zones for consistency with federal standards; and update to the energy provisions, including 1) for residential building applications: correction of U-factors for mass walls; addition of Class A, B or mechanical air-conditioning contractors for duct testing per a change to Florida law; clarification of code treatment for thermostats; addition of credit for ceiling fans previously in the code; and corrections to the residential prescriptive code compliance form; and 2) for commercial building applications: replacing overlooked exemptions from the previous code; limiting the application of equipment sizing and duct sealing requirements for existing buildings to residential; clarification of insulation levels for commercial buildings; correction of insulation levels for certain pipe sizes; addition of standard reference design criteria inadvertently omitted from the code and corrections to expressed standard reference design criteria having unexpected consequences for commercial buildings.

NOTE: The full text of modifications and amendments approved by the Commission, together with the applicable procedural history and comments, are available at www.floridabuilding.org, or by contacting the Codes and Standards Office at (850)487-1824.

SUMMARY: Statute permits the Commission to address certain administrative and technical inconsistencies/conflicts currently existing in the 2010 Florida Building Code for the purpose of resolving such inconsistencies/conflicts. This practice avoids unnecessary expense to the construction industry relative to the cost of compliance with the Code and ultimately improves compliance, enforcement and effectiveness of the Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Commission conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.

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: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

61G20-1.001 Florida Building Code Adopted.

(1) The Florida Building Code, 2010 Edition, as updated by the Florida Building Commission on – August 9, 2011, and amended by the Commission on August 7, 2012, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

(2) No change.

Rulemaking Authority 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. Law Implemented 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. History–New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, 5-21-07, 10-1-08, 2-17-09, 10-1-09, Formerly 9B-3.047, Amended 11-10-11, Formerly 9N-1.001, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2012

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-710.201	Definitions
62-710.210	Documents Incorporated by Reference
62-710.401	Prohibitions
62-710.500	Registration and Notification
62-710.510	Record Keeping and Reporting
62-710.600	Certification Program for Used Oil Transporters
62-710.800	Permits for Used Oil Processing Facilities
62-710.850	Management of Used Oil Filters
62-710.901	Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend rules identified in the Department’s 2011-2012 Regulatory Plan as needing to be amended to delete unnecessary subsections and to clarify and ensure internal consistency, and to amend rules identified by stakeholders for clarification and simplification.

SUMMARY: The proposed rule includes technical corrections to the used oil management regulations in Chapter 62-710, 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.

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: 120.53(1), 403.061, 403.704, 403.7545, 403.767 FS.

LAW IMPLEMENTED: 403.703, 403.704, 403.707, 403.75, 403.751, 403.754, 403.7545, 403.760, 403.767, 403.769 FS.

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

DATE AND TIME: February 4, 2013, 9:00 a.m.

PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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: Julie Rainey, by telephone (850)245-8713, or email at julie.c.rainey@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: Julie Rainey, Department of Environmental Protection, MS 4560, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, telephone (850) 245-8713, email julie.c.rainey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-710.201 Definitions.

In addition to applicable definitions in Rule 62-701.200, F.A.C., and the definition of "used oil" in Section 403.75(7), F.S., the following words, phrases, or terms as used in this rule, unless the context indicates otherwise, shall have the following meaning:

(1) No change.

(2) "Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes blending used oil with virgin petroleum products, blending used oils to meet the fuel specification found in 40 C.F.R. Part 279.11 [as adopted in subsection 62-710.210(2), F.A.C.], filtration, simple distillation, chemical or physical separation and re-refining.

(3) "Processor" means any person processing used oil. The term also includes any transfer facility that stores used oil for longer than 35 days at a time, any used oil fuel marketer who receives used oil from transporters and ~~or~~ who has at least 25,000 gallons of used oil storage capacity, and any person who blends used oil with on-specification used oil fuel or with virgin petroleum products for the purpose of producing on-specification used oil fuel.

(4) No change.

~~(5) "Used oil" means any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become contaminated and unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.~~

~~(5)(6) "Used oil transporter" means any person who transports used oil over public highways, any person who collects used oil from more than one generator and transports the collected oil over public highways, and owners and operators of used oil transfer facilities over public highways in shipments of greater than 55 gallons at one time.~~

(7) through (8) renumbered (6) through (7) No change.

~~(8)(9) "Used oil filter transporter" means any person who transports, over public highways, for hire used oil filters to a used oil filter transfer or processing facility.~~

(10) renumbered (9) No change.

(10) "Used oil fuel marketer" means any person who conducts either of the following activities:

(a) Directs a shipment of off-specification used oil from their facility to a used oil burner; or

(b) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 40 C.F.R. Part 279.11 [as adopted in subsection 62-710.210(2), F.A.C.]

(11) "Used oil transfer facility" means any transportation related facility including loading docks, parking areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation over public highways. Transfer facilities that store used oil for more than 35 days are "processors" as defined in subsection 62-710.201(3), F.A.C., and are subject to regulation under subpart F of 40 CFR Part 279 [as adopted in subsection 62-710.210(2), F.A.C.]

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.703, 403.75, 403.760, 403.767, 403.769 FS. History—New 6-9-05, Amended _____.

62-710.210 Documents Incorporated by Reference.

(1) General provisions relating to solid waste management may be found in Chapter 62-701, "Solid Waste Management Facilities." F.A.C., including statements of intent, definitions, prohibitions, general permitting requirements, alternate procedures, and forms. Except where the context indicates otherwise, these general provisions apply to this chapter.

(2) The Department adopts by reference 40 C.F.R. Part 279 revised as of July 1, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02188>) ~~July 1, 2004~~, which contains the federal standards for the management of used oil. It is the intent of the Department to interpret these standards in a manner consistent with interpretations promulgated by the United States Environmental Protection Agency, except when such interpretations conflict with Florida law.

(3) "On-specification used oil fuel" means any used oil which meets the requirements of 40 C.F.R. Part 279.11 [as adopted in subsection 62-710.210(2), F.A.C.]. Used oil fuel containing PCBs at a concentration equal to or greater than 2 ppm, but less than 50 ppm, ~~is regulated under shall be managed in accordance with~~ 40 C.F.R. Part 761.20(e) and burned only in boilers or industrial furnaces as defined in 40 C.F.R. Part 260.10 [as adopted in subsection 62-730.020(1), F.A.C.] and identified in 40 C.F.R. Part 279.61 [as adopted in subsection 62-710.210(2), F.A.C.]. Used oil containing PCBs at a concentration equal to or greater than 50 ppm is fully subject to the requirements of the Toxic Substances Control Act found in 40 C.F.R. Part 761. Blending used oil for the purpose of reducing the concentration of PCBs to below 50 ppm is prohibited in accordance with the provisions of 40 C.F.R. 279.10(i) [as adopted in subsection 62-710.210(2), F.A.C.] and 761.20(e).

(4) References in 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.] to 40 C.F.R. Part 262 [as adopted in subsection 62-730.160(1), F.A.C.] shall mean rules adopted by the Department regarding generators of hazardous wastes; reference to 40 C.F.R. Part 263 [as adopted in subsection 62-730.170(1), F.A.C.] shall mean rules adopted by the Department regarding transporters of hazardous waste; reference to 40 C.F.R. Parts 264 [as adopted in subsection 62-730.180(1), F.A.C.] and 265 [as adopted in subsection 62-730.180(2), F.A.C.] shall mean rules adopted by the Department regarding treaters, storers and disposers of hazardous wastes; references to 40 C.F.R. Part 266 [as adopted in subsection 62-730.181(1), F.A.C.] shall mean rules adopted by the Department regarding standards for the management of specific hazardous waste; and references to Section 3010 of RCRA shall mean notification requirements of Florida Law. The above-mentioned Department rules are found in Chapter 62-730, "Hazardous Waste." F.A.C.

(5) When the same word, phrase, or term is defined in Rule 62-710.201, F.A.C., and 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.] and the definitions are not identical, the definitions as given in Rule 62-710.201, F.A.C., shall apply.

(6) Unless specifically indicated otherwise, when used in any such provisions as adopted from 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.], United States shall mean the State of Florida, EPA shall mean the

Department, and Administrator or Regional Administrator shall mean the Secretary of the Department or the Secretary's designee, where appropriate.

(7) Any reference to 40 C.F.R. Parts 124 or 270 as adopted by reference in 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.] shall mean the permitting provisions in Chapter 62-4 or 62-730, F.A.C., or Section 403.722, F.S.

(8) Any reference to the Resource Conservation and Recovery Act of 1976 (RCRA) as adopted by reference in 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.] shall be construed to refer to comparable provisions of the Florida Resource Recovery and Management Act as established in Part IV of Chapter 403, F.S.

Rulemaking Authority 403.061, 403.704, 403.7545, 403.8055 FS. Law Implemented 403.704, 403.7545 FS. History—New 6-8-95, Amended 12-23-96, 3-25-97, 6-9-05, 1-4-09, _____.

62-710.401 Prohibitions.

(1) through (5) No change.

(6) No person may store used oil in tanks or containers unless they are clearly labeled with the words "used oil," ~~and~~ are in good condition (no severe rusting, apparent structural defects or deterioration), and not leaking (no visible leaks) with no visible oil leakage. If tanks or containers are not stored inside a structure, the contents shall be closed, covered or otherwise protected from the weather. If tanks or containers are not double-walled, they shall be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment which has the capacity to hold 110% of the volume of the largest tank or container within the containment area. For underground storage tanks with capacities greater than 110 gallons and above ground storage tanks with capacities greater than 550 gallons, the facility shall comply with Chapters 62-761 and 62-762, F.A.C.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.751 FS. History—New 6-9-05, Amended _____.

62-710.500 Registration and Notification.

(1) The following persons shall annually register their used oil handling activities with the Department using Form 62-730.900(1)(b), "8700-12FL – Florida Notification of Regulated Waste Activity," effective date January 4, 2009, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02074>). This Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(a) Used oil transporters, except for the operations listed in 40 C.F.R. 279.40(a)(1)-(4), [as adopted in subsection 62-710.210(2), F.A.C.], and transfer facilities;

(b) Used oil processors, except as provided under Section 403.754(3), F.S., for certain onsite burners where such burning is done in compliance with an air permit issued by the department;

(c) Used oil fuel marketers ~~who sell used oil fuel;~~ and

(d) No change.

(2) No change.

(3) Upon receipt of the complete and accurate Form 62-730.900(1)(b) as adopted by reference in paragraph 62-710.500(1), F.A.C., completed form and registration fee, the Department shall issue to each registered person a validated registration form which shall be valid until June 30 of the following for one year. For used oil transporters, acknowledgment of registration shall be included in the certification process of Rule 62-710.600, F.A.C. If the registration is not renewed by June 30 of the following year because the Department has not received complete and accurate registration renewal documents and the registration fee, the facility will no longer be authorized to transport, or market used oil, or used oil filters, or burn off-specification used oil. The registration shall be valid from July 1 of the year of registration or renewal until June 30 of the following year.

(4) No change.

(5) Each public used oil collection center shall notify the Department no later than 30 days after first accepting used oil from the public on DEP Form 62-710.901(5), “Public Used Oil Collection Center Notification and Annual Report,” effective date _____, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02071>). This form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The Department shall acknowledge filing of the notification within 30 days of receipt.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.704, 403.754, 403.760 FS. History—New 2-25-85, Formerly 17-7.63, 17-7.630, Amended 1-17-90, Formerly 17-710.500, Amended 6-8-95, 12-23-96, 3-25-97, 6-9-05, 1-4-09, _____.

62-710.510 Record Keeping and Reporting.

(1) Each registered person shall maintain records on DEP Form 62-710.901(2), “Used Oil and Used Oil Filter Record Keeping Form,” effective date _____, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02069>), or on substantially equivalent forms which contain at least the same information as the Department form. This form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of

Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. These records shall include the following information:

(a) through (f) No change.

(g) Documentation of halogen screening in accordance with the requirements of 40 CFR Part 279 [as adopted in subsection 62-710.210(2), F.A.C.] Rule 62-710.600, F.A.C.

(2) through (4) No change.

(5) No later than March 1 of each year, each person required to register in accordance with Rule 62-710.500, F.A.C., shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-710.901(3), “Annual Report by Used Oil and Used Oil Filter Handlers,” effective date _____, which is hereby adopted and incorporated by _____ reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02070>). This form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The report shall summarize the records kept pursuant to this section.

(6) No change.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.754, 403.760 FS. History—New 2-25-85, Formerly 17-7.64, 17-7.640, Amended 1-17-90, Formerly 17-710.510, Amended 6-8-95, 12-23-96, 3-25-97, 6-9-05, _____.

62-710.600 Certification Program for Used Oil Transporters.

(1) Any used oil transporter that transports over public highways more than 500 gallons of used oil annually, not including oily waste, shall become certified pursuant to this section. This section shall not apply to:

(a) through (b) No change.

(c) Any used oil transporter that always transports less than 55 gallons of used oil, at any time, that is stored in tightly closed containers which are secured in a totally enclosed section of the transport vehicle. For the purposes of this certification, totally enclosed means covered or otherwise protected from the weather.

(2) To become certified and to maintain certification, used oil transporters shall:

(a) No change.

(b) Show evidence of familiarity with applicable state laws and rules governing used oil transportation by submitting a certification that the used oil transporter is familiar with applicable Florida and federal laws and rules governing used oil transportation, and has an annual and new employees a training program in place covering the applicable rules, for approval to the Department which includes provisions for at least the following:

~~1. Compliance with state and federal rules governing used oil;~~

~~2. Proper used oil management practices, including appropriate response actions to any release or spill;~~

~~3. A detailed description of the company's standard operating procedure for halogen screening at each pick up location. This description shall include instrument specifications and capabilities, calibration methods and frequency, procedures addressing the handling of loads which indicate halogen levels in excess of 1,000 ppm, and record keeping procedures for all loads accepted or refused.~~

~~4. An introduction of each new employee to the applicable laws and rules before unsupervised driving of a used oil transportation vehicle; and~~

~~5. Documentation that all company personnel handling or transporting used oil have successfully completed the training program. New employees shall complete the training program as soon as possible, but no later than 90 days after beginning employment;~~

(c) No change.

(d) Submit to the Department an annual certification statement in conjunction with the annual registration required under Rule 62-710.500, F.A.C., which states that the used oil transporter is familiar with applicable Florida and federal laws and rules governing used oil transportation, has an annual and new employees training program in place covering the applicable rules that the training program is still operating and is being adhered to and is has been annually reviewed and updated to address changes in regulations which apply to the operation, and which provides an explanation of any modifications to the training program; and

(e) Have, verify, and maintain vehicle insurance with a combined single limit of no less than \$1,000,000. Such insurance, or additional policy, must in no way exclude pollution coverage for sudden and accidental alleged or threatened discharge, dispersal, seepage, migration, release or escape of used oil, and must include any cost or expense relating to pollution damage for which the transporter is legally liable. Such insurance must be maintained at all times and be exclusive of legal defense costs.

1. The insurance required in this paragraph may be established by:

a. Evidence of liability insurance, either on a claim made or an occurrence basis, with or without a deductible (with the deductible, if any, to be on a per occurrence or per accident basis and not to exceed ten percent of the equity of the business), using DEP Form 62-730.900(5)(a), "State of Florida Certificate of Liability Insurance Hazardous Waste Transporter and Used Oil Handler," effective date _____, which is hereby adopted and incorporated by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-02081). This form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the

Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 62-710.901(4). The insurance policy shall be issued by an agent or company authorized or licensed to transact business in the State of Florida. If the facility has an up-to-date DEP Form 62-730.900(5)(a) on file with the Department, an ~~ACORD~~ ACORD form will ~~only~~ be accepted for renewal of the same a policy with the same carrier if the information on the ACORD form matches the DEP Form 62-730.900(5)(a) the Department has on file for the facility, including the policy number, or the Department has received documentation from the insurance company certifying that the liability policy has not changed along with the ACORD form; or

b. No change.

2. No change.

(3) through (4) No change.

Rulemaking Authority 403.061, 403.704, 403.767 FS. Law Implemented 403.767 FS. History--New 1-17-90, Formerly 17-710.600, Amended 6-8-95, 12-23-96, 3-25-97, 6-9-05, _____.

62-710.800 Permits for Used Oil Processing Facilities.

(1) This rule shall apply to any owner or operator of a facility that is a processor of processes used oil. The owner or operator shall comply with the requirements of this chapter including the requirements of 40 C.F.R. Part 279 Subpart F.

(a) through (c) No change.

(2) No change.

(3) Before operating, closing or making any substantial modification to a used oil processing facility, the owner or operator shall submit to the Department the Used Oil Processing Facility Permit Application, DEP Form 62-710.901(6), "Used Oil Processing Facility Permit Application," effective date _____, which is hereby adopted and incorporated by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-02072). This form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.The engineering aspects of the application shall be certified by a Professional Engineer.

(a) through (c) No change.

(4) No change.

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

(d) The owner or operator shall notify submit a detailed closure plan to the Department in writing at least 60 days prior to the scheduled date of closing the facility.

(e) Within 30 days after closing the facility, the owner or operator shall submit a certification of closure completion to the Department which demonstrates that the facility was closed

in substantial compliance with the detailed closure plan. In addition to the professional certifications required by rules promulgated pursuant to Section 376.30701, F.S., the certification shall be signed by the owner or operator of the facility. Within 30 days of determining that the facility was closed in accordance with its closure plan, the Department shall release the facility from its financial assurance obligations.

(6) Financial assurance.

(a) No change.

(b) For the purpose of determining the closing cost estimate, the owner or operator shall estimate the total cost of closing the facility using Form 62-710.901(7), “Used Oil Processing Facility Closing Cost Estimate Form,” effective date _____, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02073>). This form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and in accordance with the closure plan pursuant to subsection (5) of this section, for the time period in the facility operation when the extent and manner of its operation make closing most expensive. The owner or operator shall submit the estimate, together with all necessary justification, to the Department along with the proof of financial assurance. The costs shall be estimated and certified by a professional engineer for a third party to perform the work, on a per unit basis, with the source of estimates indicated. The owner or operator shall keep the latest closing cost estimate at the facility. When this estimate has been adjusted in accordance with paragraph (c) of this subsection, the latest adjusted closing cost estimate shall also be kept at the facility.

(c) through (d) No change.

~~(e) The initial Used Oil Facility Closing Cost Estimate Form shall be submitted to the Department no more than six months after the effective date of the rule and the owner/operator shall demonstrate funding of this closing cost estimate within 60 days of receiving approval of the cost estimate from the Department.~~

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.704, 403.707, 403.769 FS. History—New 1-17-90, Formerly 17-710.800, Amended 6-8-95, 12-23-96, 6-9-05, _____.

62-710.850 Management of Used Oil Filters.

(1) through (2) No change.

(3) Registration. The following persons shall register with the Department in accordance with the requirements of subsections 62-710.500(2) and (4), F.A.C.:

(a) through (c) No change.

(d) End users of used oil filters, including scrap metal dealers, metal foundries, waste-to-energy (WTE) facilities, and thermal processing units such as cement kilns, who accept used oil filters from a person who is not a registered used oil filter processor. An end user shall not be required to comply with the provisions of this section with respect to used oil filters that have been obtained from a registered used oil filter processor.

(4) Used oil filter processors.

(a) Each registered used oil filter processor shall maintain records on Form 62-710.901(2) as adopted by reference in subsection 62-710.510(1), F.A.C., or on substantially equivalent forms which contain at least the same information as the Department form. These records shall include the destination or end use of the processed used oil filters, including the name and street address of each destination or end user.

(b) No change.

(c) No later than March 1 of each year, each registered used oil filter processor shall submit an annual report for the preceding calendar year to the Department on Form 62-710.901(3) 62-710.901(2) as adopted by reference in subsection 62-710.510(5), F.A.C. This report shall summarize the records kept pursuant to paragraph (a) of this subsection.

(5) No change.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.751, 403.754, 403.769 FS. History—New 6-8-95, Amended 12-23-96, 6-9-05, 1-4-09, _____.

62-710.901 Forms.

~~The forms used by the Department in the used oil management program are adopted and incorporated by reference in this section.~~ The form is listed by rule number, which is also the form number, and with the subject, title and effective date. The forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) [reserved].

(2) Used Oil and Used Oil Filter Record Keeping Form, effective June 9, 2005, which is adopted and incorporated by reference in subsection 62-710.510(1), F.A.C.

(3) Annual Report by Used Oil and Used Oil Filter Handlers, effective June 9, 2005, which is adopted and incorporated by reference in subsection 62-710.510(5), F.A.C.

(4) ~~[reserved] Certificate of Liability Insurance Used Oil Handlers, effective June 9, 2005.~~

(5) Public Used Oil Collection Center Notification and Annual Report, effective June 9, 2005, which is adopted and incorporated by reference in subsection 62-710.500(5), F.A.C.

(6) Used Oil Processing Facility Permit Application, effective ~~June 9, 2005~~, which is adopted and incorporated by reference in subsection 62-710.800(3), F.A.C.

(7) Used Oil Processing Facility Closing Cost Estimate Form, effective ~~June 9, 2005~~, which is adopted and incorporated by reference in paragraph 62-710.800(6)(b), F.A.C.

Rulemaking Authority 120.53(1), 403.061, FS. Law Implemented 403.754, 403.769 FS. History—New 12-23-96, Amended 6-9-05, 1-4-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim J. Bahr, Environmental Administrator
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Hershel T. Vinyard Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 22, 2012

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-730.020	Definitions
62-730.021	References, Variances and Case-by-Case Regulations
62-730.030	Identification of Hazardous Waste
62-730.150	General
62-730.160	Standards Applicable to Generators of Hazardous Waste
62-730.161	Emergency Identification Numbers
62-730.170	Standards Applicable to Transporters of Hazardous Waste
62-730.171	Transfer Facilities
62-730.180	Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
62-730.181	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
62-730.186	Universal Pharmaceutical Waste
62-730.210	Definitions
62-730.220	Applications for Permits and Other Authorizations
62-730.225	Requirements for Remedial Activities
62-730.226	Financial Assurance for Remedial Activities
62-730.240	Operation Permits
62-730.250	Construction Permits
62-730.290	Permit Modification
62-730.291	Permit Renewal

62-730.292 Public Notice for Hazardous Waste Permits and Other Authorizations.
 62-730.320 Emergency Detonation or Thermal Treatment of Certain Hazardous Waste
 62-730.900 Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend rules identified in the Department's 2011-2012 Regulatory Plan as needing to be amended to delete unnecessary subsections and to clarify and ensure internal consistency, and to amend rules identified by stakeholders for clarification and simplification.

SUMMARY: The proposed rule includes technical corrections to the state hazardous waste regulations in Chapter 62-730, 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.

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: 120.53, 376.30701, 403.061, 403.0611, 403.087, 403.0877, 403.151, 403.201, 403.704, 403.707, 403.72, 403.721, 403.7211, 403.722, 403.7234, 403.724, 403.7255, 403.727, 403.8055, 403.814 FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.54, 120.55, 376.30701, 403.061, 403.0611, 403.087, 403.0875, 403.0877, 403.088, 403.091, 403.111, 403.151, 403.201, 403.704, 403.7045, 403.707, 403.72, 403.721, 403.7211, 403.722, 403.7222, 403.723, 403.7234, 403.724, 403.726, 403.727, 403.73, 403.783, 403.8055, FS.

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

DATE AND TIME: February 4, 2013, 9:00 a.m.
 PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone, Tallahassee, Florida 32399-2400

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: Julie Rainey, by telephone (850)245-8713, or email at julie.c.rainey@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: Julie Rainey, Department of Environmental Protection, MS 4560, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8713, email julie.c.rainey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-730.020 Definitions.

(1) through (2) No change.

(3)(a) References to 40 CFR Part 261 [as adopted in subsection 62-730.030(1), F.A.C.] shall mean rules adopted by DEP regarding identification of hazardous wastes; references to 40 CFR Part 262 [as adopted in subsection 62-730.160(1), F.A.C.] shall mean rules adopted by DEP regarding generators of hazardous wastes; references to 40 CFR Part 263 [as adopted in subsection ~~62-730.170(1)~~ ~~62-730.180(4)~~, F.A.C.] shall mean rules adopted by DEP regarding transporters of hazardous wastes; references to 40 CFR Parts 264 [as adopted in subsection 62-730.180(1), F.A.C.] and 265 [as adopted in subsection 62-730.180(2), F.A.C.] shall mean rules adopted by DEP regarding treaters, storers, and disposers of hazardous wastes; references to 40 CFR Part 266 [as adopted in subsection 62-730.181(1), F.A.C.] shall mean rules adopted by DEP regarding standards for the management of specific hazardous wastes; references to 40 CFR Part 268 [as adopted in subsection 62-730.183, F.A.C.] shall mean rules adopted by DEP regarding land disposal restrictions; references to 40 CFR Part 273 [as adopted in subsection 62-730.185(1), F.A.C.] shall mean rules adopted by DEP regarding standards for universal waste management; and references to 40 CFR Parts 270 [as adopted in subsection 62-730.220(1), F.A.C.] and 124 [as adopted in subsection 62-730.200(3), F.A.C.] shall mean rules adopted by DEP regarding permitting of hazardous waste facilities or Section 403.722, F.S.

(b) No change.

1. Substitutions as described in paragraph (3)(b) of this section shall not be made in 40 CFR: ~~124.6(e)~~ ~~124.6(e)~~; 124.10(c)(1)(ii); 260.10; 260.11(a); 261.10; 261.11; Part 261, Appendix IX; Part 262, Subparts E and F; 263.20(g)(4); 264.12(a)(1); 264.1082(c)(4)(ii); 265.12(a)(1); 265.1083(c)(4)(ii); 268.1(e)(3); 268.2(j); 268.13; 268.40(b); 270.2; 270.10(e)(2) and (3); 270.10(f)(2) and (3); 270.10(g)(1); 270.11(a)(3); 270.32(b)(2); 270.72(a)(5) and (b)(5); and 273.32(a)(3).

2. through 3. No change.

(c) through (e) No change.

(4) through (5) No change.

(6) “Episodic generator” means a generator of hazardous waste who temporarily changes status based on one-time or periodic events, but not more than one time per year, for example, a Small Quantity Generator (SQG) who becomes a Large Quantity Generator (LQG) for one month every two years when sludge is cleaned out of plating tanks. The episodic

generator category is solely for notification purposes, and does not change other regulatory requirements that apply based on the temporary status change.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 7-5-85, Formerly 17-30.02, Amended 9-19-86, 10-31-86, 4-13-88, Formerly 17-30.020, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.020, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11,_____.

62-730.021 References, Variances and Case-by-Case Regulations.

The Department adopts by reference the following Sections of 40 CFR Part 260 revised as of July 1, 2008 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02191>): for publications incorporated by reference, 260.11 except for the optional amendments to 260.11(c)(1), 260.11(c)(3)(xxvii) and 260.11(d)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); for general requirements which apply to rulemaking petitions, 260.20; for petitions for equivalent testing or analytical methods, 260.21; for petitions to exclude a waste at a particular facility, 260.22; for petitions to include additional hazardous wastes, 260.23; for variances from classification as a solid waste, 260.30; for standards and criteria for variances from classification as a solid waste, 260.31; for variances to be classified as a boiler, 260.32; for procedures for variances from classification as a solid waste or to be classified as a boiler, 260.33; for additional regulation of certain hazardous waste recycling activities on a case-by-case basis, 260.40 and for procedures for case-by-case regulation of hazardous waste recycling activities, 260.41. The language of 40 CFR 260.11 in effect on September 8, 2005 remains in effect. The Department adopts by reference the March 18, 2010 (75 FR 12989) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00590> Federal Register which deletes Appendix I of Part 260.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Formerly 17-30.021, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.021, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11,_____.

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 2008, and all appendices, the amendments to 40 CFR Part 261 as published in the Federal Register dated December 1, 2008 (73 FR 72912), the corrections as published in the Federal Register dated March 18, 2010 (75 FR 12989) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00590>, the partial withdrawal of the corrections published in the Federal Register dated June 4, 2010 (75 FR 31716) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00591>,

the amendments to 261.4(a)(16) and 261.38 as published in the Federal Register dated June 15, 2010 (75 FR 33712) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00592>, and the amendments to 261.33 and 261 Appendix VIII as published in the Federal Register dated December 17, 2010 (75 FR 78918) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01165>, and the correction to 261.32(a) as published in the Federal Register dated April 13, 2012 (77 FR 22229) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02190>), with the exceptions described in paragraphs (1)(a) through (d) of this section. 40 CFR Part 261 [as adopted in this subsection] contains EPA's rules on the identification and listing of hazardous waste. No delisting published by EPA in 40 CFR Part 261 is effective in Florida until it is adopted by the Department.

(a) 40 CFR 261.4(b)(16) [Reserved].

(b) Errors to be corrected as follows:

1. In 40 CFR 261.21(a)(3), replace “an ignitable compressed gas as defined in 49 CFR 173.300” with “a flammable gas as defined in 49 CFR 173.115(a).”

2. In 40 CFR 261.21(a)(4) replace “an oxidizer as defined in 49 CFR 173.151” with “an oxidizer as defined in 49 CFR 173.127(a).”

(b)(e) The optional amendments to 40 CFR 261.4(b) in the Federal Registers dated May 20, 1992 (57 FR 21524), July 1, 1992 (57 FR 29220) and February 11, 1999 (64 FR 6806).

For the optional amendments in paragraph (1)(c) of this section, the language in effect immediately prior to the effective date of the referenced Federal Registers remains in effect. ~~40 CFR Part 261 [as adopted in subsection 62-730.030(1), F.A.C.] contains EPA's rules on the identification and listing of hazardous waste. No delisting is effective until it is adopted by the Department.~~

~~(c)(d) The optional addition of “267” to 40 CFR 261.7(a)(1) in the Federal Register dated September 8, 2005 (70 FR 53419) and the optional amendments to 40 CFR 261.3(a)(2)(iv)(A), (B), (D), (F) and (G) in the Federal Register dated October 4, 2005 (70 FR 57769). For the optional amendments in paragraph (1)(c) and (d) of this section, the language in effect on the date of the referenced Federal Registers remains in effect. 40 CFR Part 261 [as adopted in subsection 62-730.030(1), F.A.C.] contains EPA's rules on the identification and listing of hazardous waste. No delisting is effective until it is adopted by the Department.~~

(2) 40 CFR 261.5(g)(3)(iii) [as adopted in subsection 62-730.030(1), F.A.C.] shall refer to hazardous waste management programs approved by EPA.

(3) No change.

(4) 40 CFR 261.2(f) [as adopted in subsection 62-730.030(1), F.A.C.] requires respondents in actions to enforce regulations to provide appropriate documentation to support their claim that a material is not a solid waste or is conditionally exempt from regulation.

(a) No change.

(b) With respect to a claim that hazardous waste is exempt from regulation because it was disposed of or generated by one or more CESQs who meet the requirements of 40 CFR 261.5 [as adopted in subsection 62-730.030(1), F.A.C.] “appropriate documentation” shall mean written records from each applicable ~~CESQ~~ ~~CESQ~~, detailing the quantities of hazardous waste generated by that ~~CESQ~~ ~~CESQ~~, and the method and location of disposal of such hazardous waste.

Rulemaking Authority 403.72, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721 FS. History--New 5-28-81, Amended 9-8-81, 12-6-81, 3-4-82, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 12-18-84, 7-5-85, 10-3-85, Formerly 17-30.03, Amended 5-5-86, 8-25-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, Formerly 17-30.030, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.030, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 6-8-10, 10-12-11, 6-29-12, _____.

62-730.150 General.

(1) No change.

(2)(a) All generators (except generators that are conditionally exempt pursuant to 40 CFR 261.5 [as adopted in subsection 62-730.030(1), F.A.C.]), all transporters, and all persons who own or operate a facility which treats, stores, or disposes of hazardous waste, must notify the Department using Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity,” effective date January 4, 2009, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02074>), unless they have previously notified. This form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In addition, transporters are subject to the reporting requirements of Rule 62-730.170, F.A.C.

(b) All generators, transporters, or persons who own or operate a facility which treats, stores, or disposes of hazardous waste, and everyone required to notify under Rule 62-730.181, F.A.C., shall notify the Department of all changes in status and shall use the “8700-12FL – Florida Notification of Regulated Waste Activity,” Form 62-730.900(1)(b), [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.], to do so. Changes in status include, but are not limited to: changes in the facility name, location, mailing address, business form, ownership or management control of the facility or its operations; ownership of the real property where the facility is located; facility contact person; type of regulated waste activity; changes in the amount of hazardous waste generated

per month that put the facility in a different generator category other than episodic generators, going out of business; tax default; or petition for bankruptcy protection.

(3) The “~~2011 2005~~ Hazardous Waste Report Form, Form 62-730.900(8), effective date ~~January 29, 2006,~~” is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02085>). This form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Rule 62-730.900, F.A.C., contains information on obtaining a copy of this form.

(4) through (5) No change.

(6)(a) ~~The Department has initiated a compliance assistance pilot program (CAPP), addressed to solid and hazardous wastes generated during the act or process of repairing or modifying the mechanical components of automobiles and/or light trucks. For the purpose of this rule, “light truck” means a two-axle vehicle with a gross vehicle weight of 8,500 pounds or less. The purpose of the CAPP is to provide detailed, focused written and electronic informational materials; to collect information on current waste management practices; to optimize the Department’s compliance resources; and to develop performance measures for determining the impact of the innovative technique.~~

(b) ~~As part of the CAPP, the Department will mail compliance certification packages. Each recipient of the package entitled “Compliance Assistance Pilot Project – Florida’s Compliance Certification Package” from the Department (the recipient), shall, on or before the date which is 45 days after receipt of the package, follow the instructions included in the package. The instructions include how to complete and submit the appropriate DEP forms.~~

(c) ~~The recipient shall complete Form 62-730.900(7)(b), CAPP Compliance Certification Form, effective date October 10, 2002, which is hereby adopted and incorporated by reference, if the recipient:~~

1. ~~Owns or operates an automotive repair shop (a shop) in the Department’s Northeast District or Northwest District; and~~
2. ~~The shop engages in the repair or modification of light truck or automobile engines, brakes, mufflers, or transmissions/ transmission axles, unless the shop is excluded in paragraph 62-730.150(6)(d), F.A.C. Rule 62-730.900, F.A.C., contains information on obtaining a copy of this form.~~

(d) ~~The recipient is excluded if, at the same location, the shop:~~

1. ~~Has or is part of a gasoline station, truck stop, automotive auction facility, salvage dealership, new car or light truck dealership, used car or light truck dealership, motorcycle dealership, or recreational vehicle (RV) dealership; or~~
2. ~~Has a paint spray booth; or~~

3. ~~Is engaged only in one or more of the following: car wash, diagnostic services, lube/oil change, mobile repair, electric systems repairs, glass/window repairs, or exhaust system repair.~~

(e) ~~Only one CAPP Compliance Certification Form is required for each shop that meets the criteria of paragraph 62-730.150(6)(e), F.A.C. The CAPP Compliance Certification Form must be signed by a responsible official, which means one of the following:~~

1. ~~The shop owner, if the shop is owned by a sole proprietorship; or~~
2. ~~A general partner, if the shop is owned by a partnership; or~~
3. ~~A corporate officer, if the shop is owned by a corporation; or~~
4. ~~The most senior manager of the shop, if the shop is owned by a corporation or a governmental agency and the senior manager is authorized by corporate vote or by terms of employment to act on behalf of the owner with respect to regulatory matters.~~

(f) ~~Any recipient that is excluded under paragraph 62-730.150(6)(d), F.A.C., need only submit Form 62-730.900(7)(a), CAPP Exclusion Statement, effective date October 10, 2002, which is hereby adopted and incorporated by reference. However, recipients who are excluded are encouraged to also complete and submit a CAPP Compliance Certification Form. Rule 62-730.900, F.A.C., contains information on obtaining a copy of these forms.~~

(g) ~~If the CAPP Compliance Certification Form indicates any non compliance items, the recipient must concurrently submit Form 62-730.900(7)(e), CAPP Return to Compliance Plan, effective date October 10, 2002, which is hereby adopted and incorporated by reference. Rule 62-730.900, F.A.C., contains information on obtaining a copy of this form. The CAPP Return to Compliance Plan shall:~~

1. ~~Indicate the requirement in violation;~~
2. ~~Indicate what will be done to return to compliance; and~~
3. ~~Indicate the date by which compliance will be achieved.~~

(h) ~~The CAPP Compliance Certification Form must include the following statements: “I [name of responsible official] on behalf of [name of automotive repair shop] certify that I am familiar with the information contained in this submittal, including any and all documents accompanying this form. Based on my inquiry of those individuals responsible for obtaining the information, the information is to the best of my knowledge true, complete and accurate on the date that I sign. Systems to maintain compliance are in place at this automotive repair shop, and will be maintained even if processes or operating procedures change. If any non compliance items were identified in the compliance certification process, this automotive repair shop will return to compliance in accordance with the plan proposed in the attached CAPP Return to Compliance Plan. I realize that other federal, state or~~

local environmental laws, including more stringent county and municipal requirements, may apply to my shop, and I acknowledge that my shop must comply with all environmental laws even if they are not included in this form. I am fully authorized to make this certification on behalf of this shop, and I am aware that under Florida law there are significant penalties (e.g. fines up to \$50,000 per day) for knowingly submitting any false statement, representation, or certification.”

~~(6)(7)~~ No change.

Rulemaking Authority 403.0611, 403.087, 403.704, 403.721, 403.7234, 403.8055 FS. Law Implemented 403.061, 403.0611, 403.091, 403.151, 403.704, 403.721, 403.722, 403.7222, 403.7234 FS. History–New 5-19-82, Amended 1-5-84, 7-5-85, 7-22-85, Formerly 17-30.15, Amended 5-5-86, Formerly 17-30.150, Amended 8-13-90, 10-14-92, 10-7-93, Formerly 17-730.150, Amended 1-5-95, 9-7-95, 10-10-02, 10-1-04, 1-29-06, 4-22-07, 1-4-09,_____.

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) through (2) No change.

~~(3) References in 40 CFR 262.34(f) [as adopted in subsection 62-730.160(1), F.A.C.] to on-site accumulation of hazardous waste for up to 270 days by generators of greater than 100 kg but less than 1000 kg of hazardous waste in a calendar month shall not apply. Such waste may only be accumulated on-site for 180 days or less without a permit.~~

~~(3)(4)~~ No change.

~~(4)(5) Generators of 1000 kilograms or greater of hazardous waste in a calendar month shall submit biennial reports required by 40 CFR 262.41 [as adopted in subsection 62-730.160(1), F.A.C.] to the Department on Form 62-730.900(8) (“2011 2005 Hazardous Waste Report Form”) as adopted in subsection 62-730.150(3), F.A.C. Rule 62-730.900, F.A.C., contains information on obtaining a copy of this form and instructions.~~

~~(5)(6) Generators of hazardous waste who accumulate hazardous waste on-site under 40 CFR 262.34 [as adopted in subsection 62-730.160(1), F.A.C.], shall maintain written documentation of the inspections required under 40 CFR Part 265 [as adopted in subsection 62-730.180(2), F.A.C.]. The generator shall keep the written documentation of the inspections under this section for at least three years from the date of the inspection. At a minimum, this documentation shall include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, notation of the observations made, and the date and nature of any repairs or other remedial actions.~~

~~(6)(7)~~ No change.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History–New 5-19-82, Amended 5-20-82, 3-31-83, 1-5-84, 2-2-84, 8-24-84, 7-5-85, 10-3-85, Formerly 17-30.16, Amended 9-19-86, 10-31-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.160, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.160, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 6-8-10, 10-12-11, 6-29-12,_____.

62-730.161 Emergency Identification Numbers.

(1) No change.

(2) In order to apply for an emergency EPA/DEP I.D. number, the generator of the hazardous waste(s) shall:

(a) Send the Department a completed Form 62-730.900(3), Application for a Hazardous Waste Emergency EPA/DEP Identification Number (“Emergency I.D. Form”), effective date January 5, 1995, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02078>). This form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 Rule 62-730.900, F.A.C., contains information on obtaining a copy of this form; and

(b) No change.

(3) through (5) No change.

Rulemaking Authority 403.704, 403.72, 403.721, 403.727 FS. Law Implemented 403.704, 403.721 FS. History–New 1-5-95, Amended 1-29-06,_____.

62-730.170 Standards Applicable to Transporters of Hazardous Waste.

(1) No change.

(2) In addition to the requirements of subsection (1) of this rule, no person shall transport a hazardous waste within the state for which either a manifest is required under 40 CFR Part 262 [as adopted in subsection 62-730.160(1), F.A.C.] or a reclamation agreement is entered between a generator and recycler pursuant to 40 CFR 263.20 [as adopted in subsection 62-730.170(1), F.A.C.] unless compliance with the following special requirements have been demonstrated.

(a) No change.

1. Evidence of casualty/liability insurance on a claim or an occurrence basis with or without a deductible. With the deductible the Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. Each insurance policy must be evidenced by a certificate of liability insurance or amended by attachment of an endorsement.

2. No change.

(b) Evidence of coverage shall include submittal of an originally signed copy of one or more of the following forms, which are hereby adopted and incorporated by reference. These forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

1. ~~Hazardous Waste Transporter Certificate of Liability Insurance Hazardous Waste Transporter and Used Oil Handler, Form 62-730.900(5)(a), effective date January 29, 2006 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02081>).~~

2. ~~Hazardous Waste Transporter Liability Endorsement, Form 62-730.900(5)(b), effective date January 29, 2006 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02083>).~~

3. ~~Hazardous Waste Transporter Liability Surety Bond, Form 62-730.900(5)(c), effective date January 29, 2006 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02084>). Rule 62-730.900, F.A.C., contains information on obtaining a copy of these forms.~~

(c) through (d) No change.

(e) Transporters of hazardous waste that also register as used oil handlers shall submit evidence of casualty/liability insurance in accordance with the requirements of paragraphs 62-730.170(2)(a) and (b) of this subsection and a complete and accurate Form 62-730.900(1)(b) [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.] with their annual used oil registration [in accordance with Rules 62-710.500 and 62-730.600, F.A.C., as applicable] by March 1 of each year. Upon receipt of complete and accurate documents required by this paragraph, the Department shall include in the registration, authorization to transport hazardous waste which shall be valid until June 30 of the following year. If the registration is not renewed by June 30 of the following year because the Department has not received complete and accurate documents for renewal, the transporter will no longer be authorized to transport hazardous waste in Florida.

1. Currently valid hazardous waste transporter certificates, for transporters that are also registered as used oil handlers, that expire after the effective date of this rule, but before June 30, 2013, shall remain valid until June 30, 2013 if the transporter maintains casualty/liability coverage for the extended period. The Department shall issue a letter to the transporter stating that the certificate of approval is valid until June 30, 2013 as long as the transporter maintains casualty/liability insurance coverage for the extended period.

2. Initial notification to transport hazardous waste may be submitted by a registered used oil handler at any time, and providing the casualty/liability insurance has not changed and is still current, the Department shall revise the transporter's used oil registration to include authorization to transport hazardous waste.

~~(e) The transporter shall annually submit to the Department two originally signed Transporter Status Forms, Form 62-730.900(5)(d), effective date January 5, 1995, which is hereby adopted and incorporated by reference. Rule 62-730.900, F.A.C., contains information on obtaining a copy of this form. The Department shall complete the approval part of the form and return one of the originally signed forms to the transporter after verifying that the transporter is complying with the financial responsibility requirements of this section. A copy of this form complete with the Department approval shall be carried in each vehicle transporting hazardous waste for the transporter. This approval is non transferable and non-assignable.~~

(f) Transporters of hazardous waste that do not register as used oil handlers shall submit evidence of casualty/liability insurance in accordance with the requirements of paragraphs 62-730.170(2)(a) and (b) of this subsection and a complete and accurate Form 62-730.900(1)(b) [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.] by September 1 of each year. Upon receipt of complete and accurate documents required by this paragraph, the Department shall issue to each transporter authorization to transport hazardous waste which shall be valid until November 30 of the following year. If the authorization is not renewed by November 30 of the following year because the Department has not received complete and accurate documents for renewal, the transporter will no longer be authorized to transport hazardous waste in Florida.

1. Currently valid hazardous waste transporter certificates of approval, for transporters that are not registered as used oil handlers, that expire after the effective date of this rule, but before November 30, 2013, shall remain valid until November 30, 2013 if the transporter maintains casualty/liability coverage for the extended period. The Department shall issue a letter to the transporter stating that the certificate of approval is valid until November 30, 2013 as long as the transporter maintains casualty/liability insurance coverage for the extended period.

2. Initial notification to transport hazardous waste may be submitted at any time along with evidence of casualty/liability insurance, and providing the requirements of this paragraph are met, the Department shall issue authorization to transport hazardous waste that is valid through November 30 of the following year.

(g) Each registered transporter shall maintain a copy of the authorization to transport hazardous waste in any vehicle transporting hazardous waste.

(f) through (g) renumbered (h) through (i) No change.

(3) No change.

Rulemaking Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 11-8-81, Amended 5-31-84, 9-13-84, Formerly 17-30.17, Amended 9-19-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.170, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.170, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, _____.

62-730.171 Transfer Facilities.

(1) No change.

(2)(a) The transporter who is owner or operator of a transfer facility which stores manifested shipments of hazardous waste for more than 24 hours but 10 days or less (hereinafter referred to as “the transfer facility”) shall obtain an EPA/DEP identification number for each transfer facility location and notify the Department using Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity,” effective date ~~January 4, 2009~~ [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.].

(b) No change.

(c) The initial notification shall include the information and documentation required by subsection 62-730.171(3), F.A.C.

(d) The transfer facility shall re-notify annually by submitting ~~submit updated information on~~ Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity,” effective date ~~January 4, 2009~~, which is adopted and incorporated by reference at paragraph 62-730.150(2)(a), F.A.C., and evidence of the transporter’s financial responsibility as required under subsection 62-730.170(3), F.A.C. Any changes in the transfer facility’s operations or information as reported on the last annual notification shall be reported on this form in the next annual re-notification.

(3)(a) The following items constitute initial transfer facility notification:

1. No change.

2. Completed Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity,” effective date ~~January 4, 2009~~, which is adopted and incorporated by reference at paragraph 62-730.150(2)(a), F.A.C.

3. through 7. No change.

(b) through (c) No change.

(4) through (8) No change.

Rulemaking Authority 403.0877, 403.704, 403.721 FS. Law Implemented 403.0877, 403.704, 403.721 FS. History–New 3-2-86, Amended 6-28-88, Formerly 17-30.171, Amended 8-13-90, 9-10-91, 10-14-92, Formerly 17-730.171, Amended 1-5-95, 1-29-06, 10-28-08, 1-4-09,_____.

62-730.180 Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.

(1) No change.

(a) through (d) No change.(2) The Department adopts by reference 40 CFR Part 265 revised as of July 1, 2010 <https://www.flrules.org/Gateway/reference.asp?No=Ref-00604>, including all appendices, with the exceptions described in paragraphs (2)(a) through (e) of this section.

(e) The amendments to 40 CFR 265.141(h) and 265.147 in the Federal Register dated September 1, 1988 (53 FR 33938), to 40 CFR 265.143(e)(10) and 265.145(e)(11) in the Federal Register dated September 16, 1992 (57 FR 42832), and to 40 CFR 265.112(c) and 265.118(d) in the Federal Register dated September 28, 1988 (53 FR 37912).

For the optional amendments in paragraph (e) above, the language in effect immediately prior to the effective date of the referenced Federal Registers remains in effect.

(3) No change.

(4) Owners and operators of hazardous waste treatment, storage and disposal facilities shall submit biennial reports required by 40 CFR 264.75 [as adopted by reference in subsection 62-730.180(1), F.A.C.], and 265.75 [as adopted by reference in subsection 62-730.180(2), F.A.C.], to the Department on Form 62-730.900(8) (~~“2005 Hazardous Waste Report Form”~~) adopted in subsection 62-730.150(3), F.A.C. Rule 62-730.900, F.A.C, contains information on obtaining a copy of this form.

(5) No change.

(6) Unless otherwise exempted from corrective action financial assurance requirements pursuant to state or federal law, the owner or operator of a hazardous waste facility shall demonstrate compliance with the financial assurance requirements of 40 CFR Part 264 Subpart H [as adopted by reference in subsection 62-730.180(1), F.A.C.], or 40 CFR Part 265 Subpart H [as adopted by reference in subsection 62-730.180(2), F.A.C.], by using the following forms, which are hereby adopted and incorporated by reference: These forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(a) Hazardous Waste Facility Letter from Chief Financial Officer to Demonstrate Financial Assurance for Closure, Post-Closure or Corrective Action, Form 62-730.900(4)(a), effective date ~~January 5, 1995~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02079>).

(b) Hazardous Waste Facility Letter from Chief Financial Officer to Demonstrate Financial Responsibility for Liability, Closure, Post-Closure or Corrective Action, Form 62-730.900(4)(b), effective date ~~January 5, 1995~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02080>).

(c) through (r) No change.

~~Rule 62-730.900, F.A.C., contains information on obtaining copies of these forms.~~

Rulemaking Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 5-19-82, Amended 3-4-82, 5-20-82, 7-14-82, 8-30-82, 10-7-82, 11-25-82, 2-3-83, 3-31-83, 5-19-83, 1-5-84, 2-2-84, 11-7-84, 7-5-85, 10-3-85, Formerly 17-30.18, Amended 5-5-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, 6-28-88, Formerly 17-30.180, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.180, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, _____.

62-730.181 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

(1) The Department adopts by reference 40 CFR Part 266 revised as of July 1, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02189>) ~~July 1, 2010~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-00605>.

(2) No change.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Amended 10-3-85, 5-5-86, 4-13-88, Formerly 17-30.181, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.181, Amended 1-5-95, 9-7-95, 2-25-96, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, _____.

62-730.186 Universal Pharmaceutical Waste.

(1) No change.

(a) “Hazardous waste pharmaceuticals” [as defined in paragraph 62-730.186(4)(e), F.A.C.] while they are managed in Florida; and

(b) No change.

(2) No change.

(3) Hazardous waste pharmaceuticals are considered to be universal waste, referred to hereinafter as “universal pharmaceutical waste,” in Florida when managed in accordance with this section. Hazardous waste pharmaceuticals not managed as universal waste in accordance with this section shall be managed in accordance with Chapter 62-730, F.A.C., and shall be disposed of at a permitted hazardous waste treatment, storage or disposal facility.

(4) Definitions. As used in this section:

(a) through (d) No change.

(e) “Hazardous waste pharmaceutical” means a “non-viable” “pharmaceutical” [as defined in paragraphs 62-730.186(4)(i) and 62-730.186(4)(h), F.A.C., respectively] that exhibits a characteristic as described in 40 CFR Part 261, Subpart C or is listed hazardous waste pursuant to 40 CFR Part 261, Subpart D. If the waste formulation includes a commercial chemical product listed in Subpart D as the sole active ingredient, then the entire formulation is considered a hazardous waste pharmaceutical, unless excluded by 40 CFR 261.3(g). A pharmaceutical becomes a waste when it is no longer “viable” [as defined in paragraph 62-730.186(4)(n), F.A.C.]; when a decision is made to discard the

pharmaceutical; or when the pharmaceutical is abandoned as described in 40 CFR 261.2(b). A pharmaceutical does not meet the definition of a “solid waste” under 40 CFR 261.2 and is considered product as long as it is viable, a decision to discard it has not been made, and it is not abandoned as described in 40 CFR 261.2(b). Pharmaceuticals that are produced by a pharmaceutical manufacturer without reasonable expectation of sale, returned or delivered without a reasonable expectation of credit to a manufacturer, wholesaler, reverse distributor or any type of waste broker, are non-viable and are discarded. Once a decision has been made to discard a viable pharmaceutical, it becomes non-viable. Non-viable pharmaceuticals that are hazardous waste may be handled as universal waste under this rule. 40 CFR Part 261 and all sections thereof as cited in this paragraph have been adopted by reference as state regulations in subsection 62-730.030(1), F.A.C.

(f) “Large quantity handler of universal pharmaceutical waste” means a “universal waste handler” [as defined in 40 CFR 273.9 (as adopted in subsection 62-730.185(1), F.A.C.)] that, at any time:

1. Accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, lamps, or pharmaceuticals, calculated collectively) which includes some amount of universal pharmaceutical waste, or

2. No change.

(g) through (j) No change.

(k) “Reverse distributor” means a person engaged in the reverse distribution of prescription drugs who:

1. Operates a warehouse licensed by the Florida Department of Business and Professional Regulation Health, Bureau of Statewide Pharmaceutical Services under Chapter 499, F.S., as a reverse distributor; and

2. No change.

(l) “Small quantity handler of universal waste” means a “universal waste handler” [as defined in 40 CFR 273.9 (as adopted in subsection 62-730.185(1), F.A.C.)] that does not:

1. Accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, lamps or pharmaceuticals, calculated collectively) which includes some amount of universal pharmaceutical waste; or

2. No change.

(m) through (o) No change.

(5) No change.

(6) A handler, except for generators that are small quantity handlers of universal pharmaceutical waste, or a transporter of universal pharmaceutical waste shall notify the Department in writing and receive an EPA Identification Number before accumulating universal pharmaceutical waste, or offering such waste for transport, or transporting such waste, and shall use Form 62-730.900(1)(b), “8700-12FL, Florida Notification of Regulated Waste Activity,” effective date January 4, 2009 [as adopted by reference in paragraph 62-730.150(2)(a),

F.A.C.] to do so. A handler or transporter of hazardous waste that has already notified the Department of its hazardous waste management activities and obtained an EPA Identification Number is not required to renotify under this section.

(7) A handler shall implement proper universal pharmaceutical waste management activities that include the following:

(a) No change.

(b) A handler shall clearly label those containers and tanks accumulating waste pharmaceuticals with the phrase “universal pharmaceutical waste” or “universal waste pharmaceuticals,” and keep records of what is going into each container sufficient to allow safe handling and proper disposal of the universal pharmaceutical waste with specific hazardous waste codes applicable to the universal pharmaceutical waste that is or may be placed in the container or tank.

(c) through (e) No change.

(8) The following are accumulation time limits and verification practices for handlers of universal pharmaceutical waste:

(a) A small quantity handler ~~of universal waste~~ may accumulate universal pharmaceutical waste for no longer than one year from the date the universal pharmaceutical waste was generated, unless the requirements of paragraph 62-730.186(8)(c), F.A.C., are met.

(b) A large quantity handler ~~of universal waste~~ may accumulate universal pharmaceutical waste for no longer than 6 months from the date the universal pharmaceutical wastes are generated, unless the requirements of paragraph 62-730.186(8)(c), F.A.C., are met.

(c) through (d) No change.

(9) through (10) no change.

(11) Off-site shipments of universal pharmaceutical waste shall meet the following requirements:

(a) A handler is prohibited from sending or taking universal pharmaceutical waste to a place other than to a handler or a reverse distributor who has notified the department pursuant to subsection 62-730.186(6), F.A.C.; a destination facility as defined in 40 CFR 273.9 [as adopted in subsection 62-730.185(1), F.A.C.]; or a foreign destination in accordance with the requirements of paragraph 62-730.186(11)(k)(1)-(j), F.A.C.

(b) A reverse distributor is prohibited from taking or sending universal pharmaceutical waste to a place other than a destination facility that is permitted pursuant to 40 CFR Parts 264 [as adopted in subsection 62-730.180(1), F.A.C.] and 270 [as adopted in subsection 62-730.220(1), F.A.C.] for treatment, storage or disposal of hazardous waste, or a foreign destination in accordance with the requirements of paragraph 62-730.186(11)(k)(1)-(j), F.A.C.

(c) through (j) No change.

(k)1. No change.

2. A handler who sends universal pharmaceutical waste to a foreign destination other than those listed in subparagraph 62-730.186(11)(k)1-(1)-(j)1, F.A.C., must:

a. through c. No change.

(1) No change.

(12) through (13) No change.

Rulemaking Authority 403.061, 403.151, 403.704, 403.72, 403.721 FS. Law Implemented 120.52, 120.54, 403.061, 403.151, 403.704, 403.72, 403.721 FS. History–New 4-22-07, Amended 1-4-09,_____.

62-730.210 Definitions.

(1) No change.

(2) In addition, as used in this part:

(a) through (i) No change.

(j) “Part I” means the section of the permit application submitted on the DEP form adopted in paragraph 62-730.220(2)(a) ~~62-730.900(2)(a)~~, F.A.C.

(k) through (o) No change.

(p) “Temporary operation permit” (TOP) means the legal authorization, limited to a maximum of 3 years, granted by the Department to operate a hazardous waste facility in accordance with Section 403.722, F.S., ~~and Rule 62-730.231, F.A.C.~~

Rulemaking Authority 376.30701, 403.704, 403.722 FS. Law Implemented 376.30701, 403.704, 403.722 FS. History–New 7-9-82, Amended 1-5-84, Formerly 17-30.21, Amended 9-23-87, Formerly 17-30.210, Amended 9-10-91, Formerly 17-730.210, Amended 1-29-06, 11-29-06,_____.

62-730.220 Applications for Permits and Other Authorizations.

(1) No change.

(2)(a) Applicants for hazardous waste permits shall use the following forms, which are hereby adopted and incorporated by reference, and shall comply with subsection (7) of this section. ~~These forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.~~

1. Part 1 – General, Form 62-730.900(2)(a), effective date ~~(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02075>) January 29, 2006.~~

2. ~~Well Construction Summary Report, Form 62-730.900(2)(b), effective date January 29, 2006.~~

2.3. Information Regarding Potential Releases from Solid Waste Management Units, Form 62-730.900(2)(c), effective date ~~(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02076>) January 29, 2006.~~

~~3.4.~~ Certification, Form 62-730.900(2)(d), effective date <http://www.flrules.org/Gateway/reference.asp?No=Ref-02077> January 29, 2006. Rule 62-730.900, F.A.C., contains information on obtaining copies of these forms.

(b) No change.

(3) through (10) No change.

(11) All applications for hazardous waste authorizations, other than permits, shall include all the information required by this part and by Forms 62-730.900(2)(a), (c), and ~~through~~ (d) as adopted in paragraph 62-730.220(2)(a), F.A.C. All applications for hazardous waste authorizations that include elements of a Part II permit application shall be submitted in the same format as the instructions provided by the Department. For example, the Closure Plan shall be in "Part II. K" of the application. ~~All applications should be submitted in a standard 3-ring or D-ring binder.~~ Provide a header with the revision number, date and page number on each page of the application. Applications (or revised pages to applications) shall include an index page which indicates all the items being certified by a professional engineer.

Rulemaking Authority 403.061, 403.087, 403.704, 403.721, 403.722, 403.8055 FS. Law Implemented 403.151, 403.704, 403.707, 403.721, 403.722, 403.723, 403.727 FS. History—New 7-9-82, Amended 1-5-84, 8-19-84, 7-22-85, Formerly 17-30.22, Amended 9-23-87, 6-28-88, 12-12-88, Formerly 17-30.220, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.220, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, _____.

62-730.225 Requirements for Remedial Activities.

(1) Risk based corrective actions authorized in Section 376.30701, F.S., and cleanup target levels (CTLs) and rules promulgated thereunder in Chapters 62-777 and 62-780, F.A.C., shall apply to remedial activities at hazardous waste facilities, with the following clarifications:

(a) through (b) No change.

~~(c) A complete Well Construction Summary Report shall be submitted on Form 62-730.900(2)(b), for each piezometer, groundwater monitoring and recovery well installed as part of remedial activities.~~

(d) No change.

(2) No change.

~~(3)(a) The quality assurance provisions of Chapter 62-160, F.A.C., shall apply to remedial activities at hazardous waste facilities. In addition, a sampling and analysis plan (SAP) is required for sampling and analysis at facilities with, or seeking, a hazardous waste permit or other authorization for remedial activities.~~

~~(b) The SAP shall contain the following elements:~~

~~1. A table showing the proposed constituents, matrices, analytical methods and sampling frequency for the project.~~

~~2. A table showing the proposed purging and sampling equipment.~~

~~3. A description of proposed management of investigation derived wastes (IDW) including a statement that IDW that contains hazardous waste will be managed in accordance with Department regulations.~~

~~4. A statement that the sampling crew will follow the Department's most recent Standard Operating Procedures (SOPs) or other sampling program approved pursuant to Chapter 62-160, F.A.C. (as effective 6-8-04 or later).~~

~~5. A statement that the laboratory used will be accredited by the National Environmental Laboratory Accreditation Program (NELAP) and certified by the Florida Department of Health.~~

~~(c) One SAP shall be submitted and amended as appropriate for all sampling and analytical work at a facility. The owner or operator may elect to submit multiple SAPs if different sampling and analytical entities are involved, or the SAP may be a component of another submittal.~~

~~(d) Amendments or changes to SAPs shall be submitted if the scope of work is substantially altered or if any of the following circumstances occur:~~

~~1. New analytical methods, sampling or other field procedures, or instruments or equipment are added;~~

~~2. The sampling or analysis contractor is changed; or~~

~~3. Other changes are made as may reasonably be expected to affect the data quality objectives of the project.~~

~~(e) If the Department requests amendments to the SAP as specified in paragraph (3)(d) of this section, written amendments shall be submitted within 14 days of receipt of the Department's request. If the owner or operator proposes amendments to the SAP, a new or amended SAP shall be submitted within 14 days of the change.~~

~~(4) Owners or operators of sites suspected or confirmed to be contaminated with hazardous waste as defined in Section 403.703(21), F.S., and where a risk of exposure to the public may exist, shall place and maintain warning signs. Unless different conditions are approved by the Department in a site specific authorization, the signs shall be as described in this subsection.~~

~~(a) Warning signs shall be at least 2 feet by 2 feet, made of durable weather resistant material, with a lettering in a color that highly contrasts with the background. All lettering must be at least 1 inch high.~~

~~(b) Warning signs shall be unobstructed and be mounted in such a manner that the center of the sign is approximately 56 inches above ground surface and is capable of being seen from at least 75 feet away from all access locations.~~

~~(c) Warning sign text shall warn of danger, prohibit the entry of unauthorized persons, convey other information appropriate to site conditions, and include a telephone number to call for more information.~~

Rulemaking Authority 376.30701, 403.061, 403.704, 403.707, 403.72, 403.721, 403.722, 403.7255 FS. Law Implemented 376.30701, 403.087, 403.088, 403.704, 403.707, 403.72, 403.721, 403.722, ~~403.783~~ FS. History—New 1-29-06, Amended 11-29-06,_____.

62-730.226 Financial Assurance for Remedial Activities.

(1) through (4) No change.

(5) The owner or operator of a facility required to undertake remedial activities shall:

(a) No change.

(b) Submit the appropriate forms adopted in subsection 62-730.180(6), F.A.C. ~~paragraphs 62-730.900(4)(a), (b), (c), (e), (f), (g), (h), (i), and (j), F.A.C.~~ Photocopies of Department supplied forms are acceptable. Retyped forms are not acceptable and will be returned.

(c) No change.

(6) through (8) No change.

Rulemaking Authority 403.201, 403.704, 403.721, 403.724 FS. Law Implemented 403.201, 403.704, 403.721, 403.724 FS. History—Formerly 62-730.180(6), Amended 1-29-06,_____.

62-730.240 Operation Permits.

(1) No person shall begin operation of a hazardous waste facility without applying for and receiving an operation permit from the Department. Application for operation permits shall be made on DEP Forms 62-730.900(2)(a), (c), and (d) through (2)(d) ~~(2)(d)~~ as adopted in paragraph 62-730.220(2)(a), F.A.C.

(2) through (7) No change.

Rulemaking Authority 403.087, 403.704, 403.707, 403.721, 403.722 FS. Law Implemented 403.704, 403.707, 403.721, 403.722 FS. History—New 7-9-82, Formerly 17-30.24, Amended 9-23-87, Formerly 17-30.240, Amended 9-10-91, 10-14-92, Formerly 17-730.240, Amended 1-29-06,_____.

62-730.250 Construction Permits.

(1) through (4) No change.

(5) No major modification to a facility, which includes the construction or expansion of hazardous waste management units, shall be undertaken without application for and receipt of a construction permit. Modifications which do not require a construction permit may require a permit modification under Rule 62-730.290, F.A.C. No construction permit shall be required for changes made solely for the purpose of complying with the requirements of 40 CFR 265.193 [as adopted in subsection 62-730.180(2), F.A.C.](1) through (4) No change.

(6) No change.

Rulemaking Authority 403.087, 403.704, 403.707, 403.721, 403.722 FS. Law Implemented 403.704, 403.707, 403.721, 403.722 FS. History—New 7-9-82, Formerly 17-30.25, Amended 9-23-87, 12-12-88, Formerly 17-30.250, Amended 7-3-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.250, Amended 1-5-95, 1-29-06,_____.

62-730.290 Modification and Transfer of Permits and Other Authorizations.

(1) through (3) No change.

(4) Modifications to permits or other authorizations which are Class 2 and Class 3 modifications as set forth in 40 CFR 270.42 ~~[as adopted in subsection 62-730.220(1), F.A.C.]~~, including construction or expansion of hazardous waste management units, shall be accompanied by a public notice as required in Rule 62-730.292, F.A.C. Modifications which are Class 1 modifications as set forth in 40 CFR 270.42, are minor modifications and may be made without public notice.

(5) No change.

(6)(a) No change.

(b) With respect to permits, the applicant shall comply with Section 403.722(13), F.S., and the application shall include:

1. through 2. No change.

3. A completed application for a Hazardous Waste Facility Permit Part I, Form 62-730.900(2)(a) as adopted in paragraph 62-730.220(2)(a), F.A.C.

4. A completed application for a Hazardous Waste Facility Permit Certification, Form 62-730.900(2)(d) as adopted in paragraph 62-730.220(2)(a), F.A.C.

(c) No change.

Rulemaking Authority 403.087, 403.704, 403.722 FS. Law Implemented 403.087, 403.704, 403.722 FS. History—New 7-9-82, Amended 10-25-84, Formerly 17-30.29, Amended 9-23-87, Formerly 17-30.290, Amended 7-3-89, 9-10-91, 10-7-93, Formerly 17-730.290, Amended 1-29-06,_____.

62-730.291 Permit Renewal.

(1) No change.

(2) The application requirements for renewal of a permit are as follows:

(a) Owners or operators of facilities where there are changes to the facility plan or its operation (including closure) or remedial activities, or there are regulatory changes that effect its operation (including closure) or remedial activities, shall submit a letter describing the changes, all attachments necessary to completely describe the change, a completed Application for a Hazardous Waste Facility Permit Certification, Form 62-730.900(2)(d) as adopted in paragraph 62-730.220(2)(a), F.A.C., and the permit renewal fee.

(b) Owners or operators of facilities which have operated or are conducting remedial activities (including closure) under the existing permit without any facility or regulatory changes shall submit a letter stating that there are no changes to the application filed in support of the existing permit, a completed Application for a Hazardous Waste Facility Permit Certification, Form 62-730.900(2)(d) as adopted in paragraph 62-730.220(2)(a), F.A.C., and the permit renewal fee.

Rulemaking Authority 403.704, 403.722 FS. Law Implemented 403.704, 403.722 FS. History—New 7-1-82, Formerly 17-30.30, Amended 9-23-87, 6-28-88, Formerly 17-30.300, Amended 8-13-90, 10-14-92, 10-7-93, Formerly 17-730.300, Amended 1-5-95, Formerly 62-730.300, Amended 1-29-06, _____.

62-730.292 Public Notice for Hazardous Waste Permits and Other Authorizations.

(1) through (4) No change.

(5) The notice for any hazardous waste permit or other hazardous waste authorization (except a variance and a clean closure determination) shall provide a 45-day period during which any person may comment on the Department's action or request an informal public meeting and a substantially affected party may request a hearing pursuant to Sections 120.569 and 120.57, F.S. The notice period for a variance pursuant to 40 CFR 260.31, 260.32 and 260.33 [as adopted in subsection 62-730.021, F.A.C.] shall be 30 days. The notice period for any other hazardous waste variance shall be 15 days. The notice period for a clean closure determination shall be 21 days. Each ~~The~~ notice shall contain instructions on how to examine a copy of the agency action and how members of the public can avail themselves of these rights and opportunities.

(6) through (7) No change.

Rulemaking Authority 403.061, 403.087, 403.704, 403.721, 403.722 FS. Law Implemented 403.151, 403.704, 403.707, 403.721, 403.722 FS. History—New 1-29-06, Amended _____.

62-730.320 Emergency Detonation or Thermal Treatment of Certain Hazardous Waste.

(1) through (7) No change.

(8) If an EME Response is clearly not necessary to address the situation and a response can be delayed without compromising safety or increasing the risk posed to life, property, health, or the environment, the person having initial custody of the explosives or munitions shall fulfill the requirements of 40 CFR 270.61 [as adopted in subsection 62-730.220(1), F.A.C.] by providing oral or written notice to the Department and obtaining oral or written authorization from the Department prior to implementing a course of action. If the authorization is oral, it must be followed within five days by a written order. The following provisions apply to authorization under this subsection:

(a) through (d) No change.

(e) Written orders shall be accompanied by the publication of public notice within 45 days. This may be accomplished by the person having initial custody of the waste or by the Department.

(f) No change.

(9) No change.

Rulemaking Authority 403.704, 403.721 FS. Law Implemented 403.061, 403.704, 403.721, 403.726 FS. History—New 9-30-85, Formerly 17-30.32, 17-30.320, 17-730.320, Amended 1-5-95, 1-29-06, _____.

62-730.900 Forms.

Forms are listed here by form number. Copies of all forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm ~~http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm~~ or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In order to facilitate the initial submission of a complete application, applicants for hazardous waste permits are encouraged to use the Hazardous Waste Facility Permit Application Instructions, which provide guidance to the forms and assistance in assuring that the application complies with the provisions of 40 CFR Part 270 and this chapter.

(1) Notification Forms.

(a) No change.

(b) 8700-12FL – Florida Notification of Regulated Waste Activity, ~~January 4, 2009~~. [Form number 62-730.900(1)(b)], which is adopted and incorporated by reference in paragraph 62-730.150(2)(a), F.A.C.

(2) Application for a Hazardous Waste Facility Permit ~~Forms, which is adopted and incorporated by reference in paragraph 62-730.220(2)(a), F.A.C.~~

(a) Part I – General, ~~January 29, 1996~~. [Form number 62-730.900(2)(a)]

(b) ~~[reserved] Well Construction Summary Report, January 29, 2006~~. [Form number 62-730.900(2)(b)]

(c) Information Regarding Potential Releases from Solid Waste Management Units, ~~January 29, 2006~~. [Form number 62-730.900(2)(c)]

(d) Certification, ~~January 29, 2006~~. [Form number 62-730.900(2)(d)]

(3) Application for a Hazardous Waste Emergency EPA/DEP Identification Number, ~~January 5, 1995~~. [Form number 62-730.900(3)], which is adopted and incorporated by reference in paragraph 62-730.161(2)(a), F.A.C.

(4) Hazardous Waste Financial Responsibility Forms, which are adopted and incorporated by reference in subsection 62-730.180(6), F.A.C.

(a) Hazardous Waste Facility Letter from Chief Financial Officer to Demonstrate Financial Assurance, ~~January 5, 1995~~. [Form number 62-730.900(4)(a)].

(b) Hazardous Waste Facility Letter from Chief Financial Officer to Demonstrate Financial Responsibility, ~~January 5, 1995~~. [Form number 62-730.900(4)(b)].

(c) through (r) No change.

(5) Hazardous Waste Transporter Financial Responsibility Forms, which are adopted and incorporated by reference in subsection 62-730.170(2), F.A.C.

- (a) ~~Hazardous Waste Transporter Certificate of Liability Insurance Hazardous Waste Transporter and Used Oil Handler, January 29, 2006. [Form number 62-730.900(5)(a)]~~
- (b) ~~Hazardous Waste Transporter Liability Endorsement, January 29, 2006. [Form number 62-730.900(5)(b)]~~
- (c) ~~Hazardous Waste Transporter Liability Surety Bond, January 29, 2006. [Form number 62-730.900(5)(c)]~~
- (d) ~~Hazardous Waste Transporter Status Form, January 5, 1995. [Form number 62-730.900(5)(d)]~~
- (6) [reserved]
- (7) [reserved]
- (7) ~~Compliance Assistance Pilot Project—Florida’s Compliance Certification Package:~~
 - (a) ~~CAPP Exclusion Statement, October 10, 2002. [Form number 62-730.900(7)(a)]~~
 - (b) ~~CAPP Compliance Certification Form, October 10, 2002. [Form number 62-730.900(7)(b)]~~
 - (c) ~~CAPP Return to Compliance Plan, October 10, 2002. [Form number 62-730.900(7)(c)]~~
- (8) 2011 2005 Hazardous Waste Report Form, January 29, 2006 [Form number 62-730.900(8)], which is adopted and incorporated by reference in subsection 62-730.150(3), F.A.C.

Rulemaking Authority 120.53, 403.061, 403.0611 FS. Law Implemented 120.52, 120.53, 120.55, 403.0611, 403.0875, 403.7234 FS. History—New 11-30-82, Amended 4-1-83, 5-5-83, 8-21-83, 3-1-84, 5-31-84, 9-17-84, 10-29-84, 2-11-85, Formerly 17-1.207(1), (3)-(6), Amended 2-6-86, 4-8-86, 9-23-87, Formerly 17-30.401, Amended 6-28-88, 12-12-88, Formerly 17-30.900, Amended 7-3-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.900, Amended 1-5-95, 10-10-02, 1-29-06, 4-22-07, 10-28-08, 1-4-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim J. Bahr, Environmental Administrator
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 22, 2012

Section III
Notices of Changes, Corrections and Withdrawals

NONE

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On December 14, 2012 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Subparagraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, Section 6-402.11, 2001 FDA Food Code, Paragraph 61C-1.004(1)(a), Florida Administrative Code, and Section 5-203.13, 2001 FDA Food Code, Paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Texas Skewers located in Orlando. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees, that each establishment have at least one service sink for the cleaning of mops or similar cleaning tools and the disposal of mop water; and that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to share the mop sink and bathroom facilities for use by both customers and employees with an adjacent business (Rodeway Inn; license MOT5801461) and to utilize holding tanks to provide potable water and to collect wastewater.

The Petition for this variance was published in Vol. 38/97 on December 26, 2012. The Order for this Petition was signed on January 2, 2013 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms and mop sink located within Rodeway Inn (MOT5801461) are maintained in a clean and sanitary manner and have hot and cold running water under pressure. The bathroom handwash sink must have soap, approved hand drying devices and be available during all hours of operation. The Petitioner shall also ensure directional signage is installed in the establishment

clearly stating the location of the bathrooms. If the ownership of the Rodeway Inn (KFUO Investments LLC) changes, an updated, signed agreement for use of the bathroom facilities and mop sink is required immediately. The Petitioner shall also ensure the wastewater holding tanks for the handwash and three-compartment sinks are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash and three-compartment sinks are provided with hot and cold running water under pressure. The handwash sink must be equipped with soap, approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us; Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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 January 9, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Orange Park Medical Center, filed November 21, 2012, and advertised in Vol. 38, No. 81, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.8.4.1 ASME A17.1b, 2005 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators air conditioner to be installed over the hydraulic pump unit because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-380).

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 January 9, 2013 the Division issued an order. The Final Order was in response to a Petition for a

Variance from Celebration Health Medical Office Building, filed December 12, 2012, and advertised in Vol. 38, No. 94, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.24.9, 2.20.9 and 2.24.2 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators to steel wire ropes, type of rope fastenings and material and grooving to install an Otis Gen2™ elevator system because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-408).

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 January 9, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Carrollwood Village Executive Center, filed December 28, 2012, and advertised in Vol. 39, No. 1, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.1 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators enclosures because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-417).

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 January 7, 2013, the Department received a letter withdrawing the Petition for variance from Ridge Wood Condominiums, filed October 9, 2012, and advertised on October 11, 2012 in Vol. 38, No. 48 of the

Florida Administrative Weekly. The Petition for variance requested a variance from an unspecified section of A17.3, or an unspecified section of A17.1 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW 2012-331).

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

NOTICE IS HEREBY GIVEN that on January 7, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for ORMC Bed Tower Expansion at 1414 Kuhl Ave., Orlando, FL. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.20.9 and 2.24.2 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes, wedge shackles to secure the steel ropes and grooved sheaves of a minimum pitch diameter which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-003).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

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

The Florida Department of Environmental Protection hereby gives notice: On December 5, 2012, the Department of Environmental Protection issued a Final Order granting a petition for variance to Emerald Coast Utilities Authority (ECUA). The petition for variance was received on October 2, 2012, seeking the reissuance of a variance from paragraph 62-699.310(2)(e) and subsection 62-699.311(4), F.A.C., to

allow for a reduction in staffing requirements at ECUA's Class B and C water treatment plants. The petition was assigned OGC Case No. 12-1551. Notice of receipt of the petition was published in the Florida Administrative Register on October 9, 2012. No public comment was received. The Final Order granted the variance because the petitioner demonstrated that the application of Rules 62-699.310 and 62-699.311, F.A.C., would create a substantial hardship and that the purposes of the underlying statutes would be met with the conditions imposed by the Department under the variance. The conditions require that ECUA staff its water treatment plants and booster disinfection stations with one site visit per day, seven days per week, for a total of 3.5 hours per plant/station per week by a Class B or higher operator. ECUA will also have all water treatment systems continuously monitored, operated and controlled remotely using a supervisory control and data acquisition (SCADA) system that is manned by a Class A operator placed at a central location.

A copy of the Order or additional information may be obtained by contacting: Virginia Harmon, Department of Environmental Protection, Drinking Water Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; (850)245-8630.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: January 25, 2013, 9:00 a.m.

PLACE: Moore Hall Center for Learning Development, FSDB, 207 N. San Marco Avenue, St. Augustine, FL 32084.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084, (904)827-2210.

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: Dr. Jeanne G. Prickett, President, FSDB, 207 N. San Marco Avenue, St. Augustine, FL 32084. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

For more information, you may contact: Dr. Jeanne G. Prickett, President, FSDB, 207 N. San Marco Avenue, St. Augustine, FL 32084, (904)827-2210.

DEPARTMENT OF REVENUE

The Communications Services Tax Working Group announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 18, 2013, 1:30 p.m. – 4:30 p.m. If needed, an additional meeting is scheduled for Monday, January 28, 2013, 1:30 p.m. – 4:30 p.m.

PLACE: These meetings will be held by telephone conference call. This corrected notice is being published to provide the meeting room at the Department of Revenue for those who wish to participate in the telephone conference call at the Department of Revenue. To participate in the call, dial the following toll-free telephone number: (888)670-3525. At the prompt, enter the following participate passcode: 4243978017#. If you have difficulty accessing the conference call, please call (850)617-8324 or send an e-mail to CSTWorkingGroup@dor.state.fl.us. Members of the public may also participate in the telephone conference call at the Department of Revenue in Room 1220, Building One, 2450 Shumard Oak Blvd, Tallahassee, Florida. A previous notice of these meetings was published in the January 3, 2013, edition of the Florida Administrative Register. For more information about how to participate in the telephone conference call or to submit information to the Working Group for consideration at the meeting, please contact: Andrea Moreland, Legislative and Cabinet Services Director, 2450 Shumard Oak Boulevard, Building One, Tallahassee, Florida, (850)617-8324, CSTWorkingGroup@dor.state.fl.us, morelana@dor.state.fl.us.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Section 12 of Chapter 2012-70, Laws of Florida, creates a Communications Services Tax Working Group. The purpose of the working group is to study and report on tax issues related to the sale of communications services. A report of the working group is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2013. The Working Group will be discussing and finalizing its report to policymakers. Information about the Working Group may be accessed on the Department of Revenue's website at: http://dor.myflorida.com/dor/cst_workgroup/.

A copy of the agenda may be obtained by contacting: Andrea Moreland, Director of Legislative and Cabinet Services, (850)617-8324 or morelana@dor.state.fl.us. The agenda will be published on the Department of Revenue's website at: http://dor.myflorida.com/dor/cst_workgroup/ and also <http://dor.myflorida.com/dor/opengovt/meetings.html>.

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: Andrea Moreland, (850)617-8324. 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: Andrea Moreland, Director of Legislative and Cabinet Services, (850)617-8324, morelana@dor.state.fl.us.

EXECUTIVE OFFICE OF THE GOVERNOR

The Governor's Commission on Jobs for Floridians with Disabilities, Employment Readiness Subcommittee announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 16, 2013, 1:00 p.m.

PLACE: Conference call: (888)670-3525; conference code: 2788708683.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general business of the Governor's Commission on Jobs for Floridians with Disabilities pursuant to Executive Order 11-161.

A copy of the agenda may be obtained by contacting: David Darm at (850) 717-9433 or David.Darm@laspbs.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 3 days before the workshop/meeting by contacting: David Darm at (850)717-9433 or David.Darm@laspbs.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800) 955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: David Darm at (850)717-9433 or David.Darm@laspbs.state.fl.us.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Local Emergency Planning Committee (LEPC), Chairpersons and Staff Contacts for the State Emergency Response Commission for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: January 24, 2013, 9:30 a.m.

PLACE: Daytona Beach Ocean Center, Room 204A, 101 North Atlantic Avenue, Daytona Beach, FL 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committee in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)413-9970.

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: Division of Emergency Management at (850)413-9970. 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).

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The State Emergency Response Commission for Hazardous Materials Training Task Force (TTF) announces a public meeting to which all persons are invited.

DATE AND TIME: January 24, 2013, 1:30 p.m.

PLACE: Daytona Beach Ocean Center, Room 204A, 101 North Atlantic Avenue, Daytona Beach, FL 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Training Task Force and other hazardous materials training issues.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)413-9970.

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: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

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

DATE AND TIME: January 23, 2013, 1:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and Possible Action Upon the Ellaville/Damascus Peanut Land Exchange.

A copy of the agenda may be obtained by contacting: Lisa Cheshire at (386)362-1001 or (800)226-1066 (Florida only); or on the District's website at www.mysuwanneeriver.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 2 days before the workshop/meeting by contacting Lisa Cheshire at (386)362-1001 or (800)226-1066 (Florida only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

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

DATE AND TIME: Friday, January 18, 2013, 9:00 a.m. – 12:00 p.m.

PLACE: St. Johns River Water Management District, District Headquarters, Governing Board Room, 4049 Reid St., Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The St. Johns River Water Management District will hold a meeting of the Clay-Putnam Minimum Flows and Levels Prevention/Recovery Strategy Implementation Work Group to discuss the Minimum Flows and Levels Prevention/Recovery Strategy for Lakes Brooklyn, Cowpen, Geneva, and Grandin. All interested parties are invited to attend. An agenda will be available at least seven days before the meeting. One or more members of the North Florida Regional Water Supply Partnership Stakeholder Advisory Committee may attend this meeting. More information about the Partnership Stakeholder Advisory Committee, including a membership list, is available at northfloridawater.com.

A copy of the agenda may be obtained by contacting: Julie Green, 4049 Reid Street, Palatka, FL 32178, (386)329-4240 or jgreen@sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIME: February 12, 2013; March 12, 2013; April 9, 2013; May 14, 2013; June 11, 2013. 10:00 a.m. – 11:00 a.m.

PLACE: Mid Town Centre Community Room, 4040 Woodcock Ave, Ste. 151, Jacksonville, FL 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast District Long-Term Care Ombudsman Program Council business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399; telephone: (850)414-2323, or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: The program at the above telephone number. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Department of Business and Professional Regulation, Florida Building Commission, The Florida Building Commission, "The Commission", Special Occupancy Technical Advisory Committee Concurrent with the Structural Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 24, 2013, 10:00 a.m. until completion.

PLACE: Meeting to be conducted using communications media technology, conference call and webinar. Audio portion of this meeting is provided by teleconference only.

Telephone Number: (888)670-3525, code 2977013986.

Webinar access: go to <https://suncom.webex.com/suncom/j.php?ED=167101302&UID=1303653532&RT=MiMxMQ%3D%3D>

If requested, enter your name and email address. If a password is required, enter the meeting password (this meeting does not require a password.); click "join".

Public Point of Access: Rm. 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and provide recommendations on Declaratory Statements and other business on behalf of the Commission.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, or call (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Pat Harvey, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

For more information, you may contact: Ms. Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1824 or fax (850)414-8436, website: www.floridabuilding.org.

DEPARTMENT OF HEALTH

The Infant, Maternal, and Reproductive Health Unit announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 22, 2013, 8:30 a.m. – 10:30 a.m. EST

PLACE: Betty Easley Conference Center, Room 182, 4075 Esplanade Way, Tallahassee, Florida 32399. The meeting may be accessed online by visiting: <https://rcg.webex.com/rcg/j.php?ED=219502837&UID=498365452&PW=NZjE4NWEz MzI4&RT=MiMxMg%3D%3D>, meeting password: journey; or by telephone, (650)479-3208, access code 623 640 275.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Healthy Start Redesign Project Steering Committee will meet to discuss the redesign of Florida's Healthy Start Program.

A copy of the agenda may be obtained by contacting: Javier Vazquez, Bureau of Family Health Services, (850)245-4425, or email, Javier_Vazquez@doh.state.fl.us or by visiting the Healthy Start website at: <http://www.doh.state.fl.us/family/mch/hs/hs.html>.

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: Javier Vazquez, Bureau of Family Health Services, (850)245-4425, or email, Javier_Vazquez@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

DEPARTMENT OF HEALTH

Board of Dentistry

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

DATE AND TIME: February 8, 2013, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Room #301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at (800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NO.: RULE TITLE:

- 65E-14.001: Applicability
- 65E-14.002: Retention and Access Requirements for Records
- 65E-14.003: Audits of Contractors Participating in the Substance Abuse and Mental Health Programs
- 65E-14.004: Program Income
- 65E-14.005: Matching
- 65E-14.006: Valuation of Donated and Volunteer Services
- 65E-14.007: Appraisal of Real Property
- 65E-14.010: Property
- 65E-14.012: Contract Closeout, Suspension, and Termination
- 65E-14.014: Contractor's Financial Management Responsibilities

- 65E-14.016: Transactions Resulting in Additional Cost to the Program
- 65E-14.017: Cost Principles
- 65E-14.018: Sliding Fee Scale
- 65E-14.019: Methods of Paying for Services
- 65E-14.020: Cost Reimbursement Method of Payment
- 65E-14.021: Unit Cost Method of Payment
- 65E-14.022: Data Requirements
- 65E-14.023: Managing Entity Standards

The Department of Children and Families, SAMH Program announces workshops to which all persons are invited.

DATES AND TIMES: January 28, 2013, 10:00 a.m. – 11:00 a.m.; January 30, 2013, 10:00 a.m. – 11:00 a.m.

PLACES: January 28: 201 West Broward Blvd., Room 104 A, Ft. Lauderdale, FL 33301; January 30: 111 S. Sapodilla Ave., Room 112A, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Amendments to the Community Substance Abuse and Mental Health Services Financial Rules. Additional information regarding this rulemaking is available on the Department's website at www.dcf.state.fl.us/programs/samh/pubs_reports.shtml.

A copy of the agenda may be obtained by contacting: Patricia Kramer, SER Regional SAMH Director: pat_kramer@dcf.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 24 hours before the workshop/meeting by contacting: Patricia Kramer, SER Regional SAMH Director: pat_kramer@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800) 955-8771 (TDD) or (800) 955-8770 (voice).

For more information, you may contact: Jimmers Micallef, Department of Children and Families, 1317 Winewood Blvd., Building 6, Room 292, Tallahassee, FL 32399, (850)717-4294, jimmers_micallef@dcf.state.fl.us.

NORTHWEST FLORIDA AREA AGENCY ON AGING

The Northwest Florida Area Agency on Aging announces public meetings to which all persons are invited.

DATES AND TIMES: March 13, 2013; June 12, 2013; September 11, 2013; and December 11, 2013; 6:00 p.m.

PLACE: The Agency office, 5090 Commerce Park Circle, Pensacola, FL 32505

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning for Services PSA 1, Monitoring, Events, Etc.

A copy of the agenda may be obtained by contacting: Amber McCool, Executive Director or Nina Wood, Administrative Assistant. Toll free: (866)531-8011 or local: (859)494-7101.

For more information, you may contact: Nina Wood, Administrative Assistant.

SOUTHWOOD SHARED RESOURCE CENTER

The Southwood Shared Resource Center announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 14, 2013, 3:00 p.m.

PLACE: SSRC Administrative Offices, Conference Room 101, 2002 Old St. Augustine Road, Building C, Tallahassee, FL; conference call: (888)670-3525; participant passcode: 7934058106#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Finance and Budget Workgroup.

A copy of the agenda may be obtained by contacting: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com.

CITIZENS PROPERTY INSURANCE CORPORATION

The Citizens Property Insurance announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 4, 2012, 11:00 a.m. – 12:00 p.m.

PLACE: (888)942-8686, Conference ID: 5743735657#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics include but are not limited to 2013 Finance Plan including Risk Transfer and Pre-event Planning.

A copy of the agenda may be obtained by contacting: our website, www.citizensfla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker at (800)807-7647. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

ENTERPRISE FLORIDA, INC.

Enterprise Florida, Inc. and the Florida Defense Support Task Force announce a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 17, 2013, 9:00 a.m. – 4:00 p.m.

PLACE: Double Tree by Hilton, 101 South Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Defense Support Task Force makes recommendations to the Governor and Legislature to promote, protect and enhance Florida’s military missions and installations and to improve the state’s military-friendly environment for service members, military dependents, military retirees, and businesses which bring military and base-related jobs to Florida.

This Task Force meeting will be focused solely on reviewing and deciding on Task Force funding applications – there will be no other presentations or issues on the agenda.

A copy of the agenda may be obtained by contacting: Donna Cucinella, (850)878-4566, dcucinella@eflorida.com; Bruce Grant, (850) 878-0826, bgrant@eflorida.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 1 day before the workshop/meeting by contacting Donna Cucinella, (850)878-4566, dcucinella@eflorida.com; Bruce Grant, (850)878-0826, bgrant@eflorida.com.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Donna Cucinella, (850)878-4566, dcucinella@eflorida.com; Bruce Grant, (850)878-0826, bgrant@eflorida.com.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Electrical Contractors’ Licensing Board

NOTICE IS HEREBY GIVEN that on December 27, 2012, the Electrical Contractors’ Licensing Board has received the petition for declaratory statement from Kirschenbaum &

Kirschenbaum, P.C. The petition seeks the agency's opinion as to the applicability of Section 489.518 (1)(b), F.S., as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 489.518 (1)(b), F.S., as to whether telemarketers, employed by an alarm company who will be involved in business solicitation, technical support, and consumer education of alarm systems: (1) would be required to obtain any license, certification, or registration under Chapter 489, F.S.; (2) would be considered "Alarm System Agents," and if yes, (3) would they be required to adhere to the training requirements of Section 489.518(1)(b), F.S., for "Alarm System Agents."

A copy of the Petition for Declaratory Statement may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

NOTICE IS HEREBY GIVEN that The Office of Insurance Regulation has received the petition for declaratory statement from Warranty Solutions Administrative Services, Inc. on January 8, 2013. The petition seeks the agency's opinion as to the applicability of whether the Petitioner's proposed rating practices are prohibited by Sections 634.282(6), 634.1815, or any other provision of Chapter 634, Part I, Florida Statutes, as it applies to the petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Catharine Schoenecker at catharine.schoenecker@flor.com.

Please refer all comments to: Catharine Schoenecker at catharine.schoenecker@flor.com.

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 EDUCATION

University of West Florida

CALL FOR BIDS

The University of West Florida Board of Trustees is soliciting sealed bids for the following: Tennis Facility Design Service.

Sealed bids will be received until February 20, 2013 at 2:00 p.m. Central Time at the Office of Procurement and Contracts, Bldg. 20E, Room 101, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number 12PQS-06JJ must be marked on outside of bid package. Bids must be submitted in full and in accordance with the requirements of all terms and conditions of the Professional Qualifications Solicitation.

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

Publication date(s): Florida Administrative Register 1/10/13, Pensacola News Journal 1/13/13.

DEPARTMENT OF EDUCATION

Florida Gulf Coast University

FGCU NOTICE TO PROFESSIONAL CONSULTANTS

Florida Gulf Coast University Board of Trustees, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-1078. Project and Location: Innovation Hub Research, Fort Myers, Florida.

Description of Project: This project will be located remote from the FGCU main campus on a 6.5 acre parcel within a larger developer-owned 240 acre proposed research "innovation hub" park development adjacent on Alico Road, East of Ben Hill Griffin Parkway. The project site is owned by FGCU and is remote to the FGCU main campus. The site development and building permitting will not require submission to Lee County Development. The project scope will include architectural, civil, landscape, structural, mechanical, electrical and plumbing engineering professional design services. Included as part of the proposal, the architect should indicate the sub-consultants that will be utilized for this project. The construction budget for this project is approximately \$10,000,000 including site work, site utilities and building. The building will contain offices, classrooms, lab classrooms, research space, auditorium, machine shop and other support spaces with a total area of approximately 30,000 gross square feet.

Once proposals are submitted to the University, the submissions will be reviewed by a selection committee and ranked in order of most qualified and a shortlist will be established, after which time interviews of the shortlisted firms will be held. Upon approval of the selection, FGCU will negotiate a contract with the selected firm for professional design services. The fee for the professional services requested in this project will be negotiated between the selected firm and the University. If the fee cannot be successfully negotiated, the second selected firm will be invited to negotiate a fee. Complete funding for the construction phase of this project is forthcoming. Therefore, following completion of the construction documents, the University may delay the start of construction activities until such funding is available. The method of project delivery for construction is anticipated to be Construction Management at Risk.

The selected firm will provide design, construction documents, construction administration and LEED Silver certification services for the referenced project. The estimated cost of construction for the project is approximately \$10,000,000 and the total project budget is \$12,500,000.

Instructions: firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached the following:

1. A completed Florida Gulf Coast University "Professional Qualifications Supplement" dated May, 2010, and following the instructions provided at <http://www.fgcu.edu/Facilities/ProfessionalSupplements.html>.
2. Applications on any other form will not be considered, however, you may choose the electronic "fillable" DOC version or the PDF version of this form.
3. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) hard bound copies of the above requested data and as specifically bound in the order listed above. Applications which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section

287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontract, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms can be obtained as noted above. Any questions may be directed to: Tom Mayo, Director of Facilities Planning, 10501 FGCU Blvd. South, Fort Myers, Florida 33965-6565, Phone: (239) 590-1500, Fax (239) 590-1505, or by e-mail: tmayo@fgcu.edu.

Submittals must be received in the Facilities Planning Office, by 3:00 p.m. local time, on March 1, 2013. Facsimile (FAX) submittals are not acceptable and will not be considered.

Section XII Miscellaneous

NONE

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012.
