

June 30, 2017

Honorable Joe Negron
President, Florida Senate
409, The Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

Honorable Richard Corcoran
Speaker, Florida House of Representatives
420, The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

Joint Administrative Procedures Committee
Attention: Kenneth J. Plante, Coordinator
680 Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1400

Office of Governor Rick Scott
Attention: Alexandra Phillips, Rules Ombudsman
The Capitol, Suite 209
Tallahassee, Florida 32399

Re: Compliance with Section 120.695, Florida Statutes
Designation of Minor Violation of Rules

Dear President Negron, Speaker Corcoran, Mr. Plante and Ms. Phillips:

The Florida Department of Highway Safety and Motor Vehicles is submitting this letter in compliance with Section 120.695(2)(c), Florida Statutes. Please find attached the Department's certification that it has reviewed its rules and is submitting a list of those agency rules for which a violation would be a minor violation.

Thank you for your time.

Sincerely,



CHRISTIE S. UTT
General Counsel

**Department of Highway Safety and Motor Vehicles
2017-2018 Report of Minor Violation Rules**

CERTIFICATION


We hereby certify that we have reviewed the Department of Highway Safety and Motor Vehicles' rules, and certify that a list of those rules that have been designated as rules the violation of which would be a minor violation pursuant to §120.695, Florida Statutes, consistent with the legislative intent, is attached hereto.



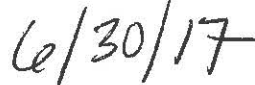
Terry L. Rhodes
Executive Director



Date



Christie S. Utt
General Counsel



Date

Bureau of Motorist Compliance

CHAPTER 15A-9

BREATH ALCOHOL IGNITION INTERLOCK DEVICES

- 15A-9.008 Installation and De-installation
- 15A-9.009 Servicing
- 15A-9.010 Monitoring
- 15A-9.013 Auditing of Administrative Offices and Service Providers

CHAPTER 15A-12

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

- 15A-12.002 Definitions and Course Curriculums
- 15A-12.003 Exemptions
- 15A-12.004 Application to Become a Sponsor
- 15A-12.005 Additional Program Requirements
- 15A-12.006 Regulation of Authorized Program
- 15A-12.007 RiderCoaches
- 15A-12.008 Program Compliance

**Bureau of Dealer Services
Manufactured Housing Section**

CHAPTER 15C-1

GENERAL

- 15C-1.013 Translation of Foreign Documents.

CHAPTER 15C-2

RULES OF PROCEDURE FOR BUREAU OF MOBILE HOME AND RECREATIONAL
VEHICLE CONSTRUCTION

- 15C-2.002 Code Seal or Label.
- 15C-2.003 Fees for Mobile/Manufactured Home Code Seals, Labels and Inspections.
- 15C-2.004 New Duplex Mobile Homes.
- 15C-2.0071 Duplex Mobile Home and Park Trailer Setup.

The Florida Senate

2016 Florida Statutes

<p><u>Title X</u> PUBLIC OFFICERS, EMPLOYEES, AND RECORDS</p>	<p><u>Chapter 120</u> ADMINISTRATIVE PROCEDURE ACT</p> <p><u>Entire Chapter</u></p>	<p>SECTION 695 Notice of noncompliance; designation of minor violation of rules.</p>
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120.695 Notice of noncompliance; designation of minor violation of rules.—

(1) It is the policy of the state that the purpose of regulation is to protect the public by attaining compliance with the policies established by the Legislature. Fines and other penalties may be provided in order to assure compliance; however, the collection of fines and the imposition of penalties are intended to be secondary to the primary goal of attaining compliance with an agency's rules. It is the intent of the Legislature that an agency charged with enforcing rules shall issue a notice of noncompliance as its first response to a minor violation of a rule in any instance in which it is reasonable to assume that the violator was unaware of the rule or unclear as to how to comply with it.

(2)(a) Each agency shall issue a notice of noncompliance as a first response to a minor violation of a rule. A "notice of noncompliance" is a notification by the agency charged with enforcing the rule issued to the person or business subject to the rule. A notice of noncompliance may not be accompanied with a fine or other disciplinary penalty. It must identify the specific rule that is being violated, provide information on how to comply with the rule, and specify a reasonable time for the violator to comply with the rule. A rule is agency action that regulates a business, occupation, or profession, or regulates a person operating a business, occupation, or profession, and that, if not complied with, may result in a disciplinary penalty.

(b) Each agency shall review all of its rules and designate those for which a violation would be a minor violation and for which a notice of noncompliance must be the first enforcement action taken against a person or business subject to regulation. A violation of a rule is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm.

(c)1. No later than June 30, 2017, and after such date within 3 months after any request of the rules ombudsman in the Executive Office of the Governor, each agency shall review its rules and certify to the President of the Senate, the Speaker of the House of Representatives, the committee, and the rules ombudsman those rules that have been designated as rules the violation of which would be a minor violation under paragraph (b), consistent with the legislative intent stated in subsection (1).

2. Beginning July 1, 2017, each agency shall:

a. Publish all rules that the agency has designated as rules the violation of which would be a minor violation, either as a complete list on the agency's website or by incorporation of the designations in the agency's disciplinary guidelines adopted as a rule.

b. Ensure that all investigative and enforcement personnel are knowledgeable about the agency's designations under this section.

3. For each rule filed for adoption, the agency head shall certify whether any part of the rule is designated as a rule the violation of which would be a minor violation and shall update the listing required by sub-subparagraph 2.a.

(d) The Governor or the Governor and Cabinet, as appropriate, may evaluate the review and designation effects of each agency subject to the direction and supervision of such authority and may direct a different designation than that applied by such agency.

(e) Notwithstanding s. 120.52(1)(a), this section does not apply to:

1. The Department of Corrections;
2. Educational units;
3. The regulation of law enforcement personnel; or

4. The regulation of teachers.

(f) Designation pursuant to this section is not subject to challenge under this chapter.

History.—s. 1, ch. 95-402; s. 6, ch. 2016-116.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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