

RULEMAKING AUTHORITY: 483.901(6)(j) FS.
LAW IMPLEMENTED: 483.901(6)(j) FS.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vicki Grant, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3250
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
65A-1.603 Food Stamp Program Income and Expenses

PURPOSE AND EFFECT: The proposed rule amendment amends the standard utility allowance, the basic utility allowance and the telephone standard.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment amends the amounts of the utility standards.

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 14, 2009, 10:30 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

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

**Section II
Proposed Rules**

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: RULE TITLE:
9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories,

Certification Agencies, Quality Assurance Agencies and Accreditation Bodies

PURPOSE AND EFFECT: To adopt criteria by which the Florida Building Commission shall approve evaluation entities for the State system of product approval.

SUMMARY: Adds criteria by which the Commission will approve additional evaluation entities and adds the International Association of Plumbing and Mechanical Officials as an approved evaluation entity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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: 553.842(8) FS.

LAW IMPLEMENTED: 553.842(8) FS.

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

DATE AND TIME: September 21, 2009, 10:00 a.m. – hearing to be held via teleconference, the information for which will be provided by meeting notice for a meeting of the Florida Building Commission.

PLACE: Public point of access – 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091. 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

(1) Approved Product Evaluation Entities. Approval by the Commission is limited to the scope established by Section 553.842, F.S.

(a) The following entities are approved evaluation entities:

1. The National Evaluation Service (NES);
2. The International Conference of Building Officials Evaluation Services (ICBO ES);
3. The Building Officials and Code Administrators International Evaluation Services (BOCA ESI);
4. The Southern Building Code Congress International Evaluation Services (PST ESI);
5. The Miami-Dade County Building Code Compliance Office Product Control Division (MDCBCCOPCD); ~~and~~
6. The International Code Council, International Evaluation Services (IES); ~~and~~;
7. The International Association of Plumbing and Mechanical Officials Evaluation Service (IAMPO).

(b) Architects and engineers licensed in this state are also approved to conduct product evaluation.

(c) Evaluation entities and certification agencies accredited as meeting the requirements of ISO/IEC Guide 65, other than architects and engineers registered in this state, shall apply to the Commission for approval as an evaluation entity by submitting correspondence to the Commission substantiating accreditation and independence. Upon approval by the Commission, paragraph 9B-72.100(1)(a) above shall be amended to include the applicant as an evaluation entity by filing an application in accordance with subsections 9B-72.130(1) and 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C.

(2) through (6) No change.

Rulemaking Specific Authority 553.842(8)(9) FS. Law Implemented 553.842(8)(9) FS. History--New 5-5-02, Amended 9-4-03, 3-9-04, 11-22-06, 4-10-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-26.0041	Definitions and Terms
14-26.00411	Procedure for Issuance of Permits
14-26.0042	Exemption from Permit Requirements
14-26.00425	Criteria for Issuance of Permits
14-26.0043	Multi-State Travel
14-26.0044	Interstate Movements
14-26.007	Liability of Permittee
14-26.008	Schedule of Fees
14-26.009	Exemptions from Fee Requirement
14-26.0091	Tire Requirements
14-26.011	Waiver of Axle Limitations
14-26.012	Movement Conditions and Restrictions
14-26.013	Permits to Move Buildings
14-26.01311	Permits to Move Sealed Containerized Loads
14-26.014	Non-Compliance
14-26.015	Penalties

PURPOSE AND EFFECT: Rule Chapter 14-26, F.A.C., is being amended to include revised definitions, repealed rules, and other overall revision restructuring of the chapter.

SUMMARY: Rule Chapter 14-26, F.A.C., is being amended to incorporate Federal Regulations for safety devices, changes to Chapter 316, F.S., and existing practices for issuance of permits, provide clarification to existing rule language, and to grant relief from some existing permit requirements and costs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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: 316.302, 316.535, 316.550, 334.044(2) FS.

LAW IMPLEMENTED: 316.515, 316.535, 316.550, 316.560, 316.565, 320.0104 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-26.0041 Definitions and Terms.

All terms in this rule chapter shall have the same meaning as defined in Section 316.003, F.S., except that "Department" shall refer to the Department of Transportation. Additionally, the following terms are defined: As used in this Rule Chapter, the following terms shall have the following meanings:

(1) "Applicant" means a person or entity requesting a permit. "Agricultural" means pertaining to, or dealing with husbandry, agriculture, or farm, including horticulture, floriculture, dairying, poultry, livestock, and other commodities with a situs of production upon the farm.

(2) "Axle Spacing Measurements" means the measurement between the centers of the axles as measured from center-to-center of wheel hubs.

(3) "Escort" means a person authorized in the manner prescribed in paragraph 14-26.012(3), F.A.C., to perform accompanying duties for overweight or overdimensional vehicles. "Blanket Permit" means the same as "Multi-Trip Permit."

(4) "Daytime Hours" is as defined by Section 316.003(7), F.S. Movement is prohibited at any time when visibility is impaired due to smoke, fog, rain, or visibility is less than 1,000 feet.

(5) "Department's Permit Office" means the Permit Section State Maintenance Office, Florida Department of Transportation, with offices located in Tallahassee, Florida. Mailing address is:

Florida Department of Transportation
Permit Section
605 Suwannee Street, M.S.-62
Tallahassee, Florida 32399-0450

(6) "Emergency Move" means movement is necessary anytime life or property is in danger, requiring immediate response.

(4)(7) "Escort Vehicles" means a separate vehicle independent of the permitted vehicle, equipped with a working, amber warning light device located on top of the escort vehicle, and operated by a qualified escort, law enforcement escort, or any combination shown in Rule 14-26.012, F.A.C.

(5)(8) "Excluding Weekends and Holidays" means movement on Saturday and Sunday is limited to the period of time beginning one-half hour before sunrise and ending at 12:00 noon, and is prohibited all day on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, and Christmas. If any of these holidays fall on Saturday, the preceding Friday shall also be observed as a holiday. If any of these holidays fall on a Sunday, the following Monday shall also be observed as a holiday. When any of these holidays are observed on a day other than the calendar date of that holiday, the observed dates shall be recognized as a holiday for the purposes of this requirement. Further, when additional days are observed around the calendar date of the holiday, such as the day before and the day after Thanksgiving, Christmas, and New Year's Day, the additional observed date(s) shall be recognized as a holiday for the purposes of this requirement.

(6)(9) "Expired Permit" means a trip permit which has lapsed for less than 24 hours or a multi-trip permit which has lapsed for less than 30 days; all other lapsed permits shall cause the vehicle to be considered to be operating without a permit.

(7)(10) "External Bridge" or "outer bridge" (also called "outer bridge") means the distance from the center of the front steering axle of the vehicle (or combination of vehicles) to the center of the last axle of the vehicle (or combination of vehicles).

(8)(11) "Fifth Wheel" means a device mounted on a truck tractor or similar towing vehicle (e.g., converter dolly) which interfaces with and couples to the upper coupler assembly of a semitrailer mechanism designed to couple a semi-trailer to a truck tractor which supports the forward portion of the semi-trailer and is designed to allow swivel or turning of the trailer at the point located over the rear axles of the truck.

(9)(12) "Flag" means a red or florescent orange device at least 18 12 inches square made of red or florescent orange cloth or plastic used to warn approaching traffic of a safety hazard.

(13) "Gross Vehicle Weight Rating" (GVWR) means the loaded weight of a single vehicle specified by the manufacturer and as provided in 49 C.F.R Section 383.5.

(14) "Gross Weight" means the total weight imposed on the road surface by all axles on the vehicle, including weight of the vehicle and any load thereon.

(10) "Government Entity" means a unit of government, or any officially designated public agency or authority of a unit of government, that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

(15) "Implement of Husbandry" is as defined in Section 316.003(16), F.S.

~~(11)(16)~~ “Inner-Bridge” means the distance between the centers of any two or more consecutive axles on a vehicle (or combination of vehicles) traveling on the interstate system only, exclusive of the external bridge, refers to the following: For the Interstate Highway System, inner-bridge legal weight limits are established. There is a weight limit for the truck tractor portion of the truck tractor/semi-trailer combination and a weight limit for the latter part of the combination. The extreme axle distances for each of the two portions are both designated as inner-bridge limits. The inner-bridge for the truck tractor portion is the distance from the center of the steering axle to the center of the last truck tractor axle. The inner-bridge for the latter portion is the distance from the center of the rear axle of the tractor or the center of the first axle of the rear axle group of the tractor to the center of the last axle of the trailer.

~~(12)(17)~~ “Kingpin Setting” means the distance between the kingpin or other peg which locks into the fifth wheel and the center of the rear axle or the center of the rear axle grouping (whichever applies).

~~(13)(18)~~ “Law Enforcement Escort” means any vehicle, including police motorcycles, recognized as police vehicle equipped with a permanent, external, blue light bar and operated by a police officer as defined in Section 316.003(32), F.S., operating any vehicle owned by a law enforcement agency using blue or red and blue warning lights to accompany an oversize/overweight vehicle. A law enforcement escort may be used in place of a qualified escort. However, a qualified escort may not be used in place of a law enforcement escort.

~~(19)~~ “Legal Loads” means the truck and item being hauled do not exceed the maximum length, width, height, and weight limitations established in Florida Statutes.

~~(20)~~ “Limited Access Facility” is as defined in Section 316.003(19), F.S.

~~(14)(21)~~ “Local Moves” means hauling not more than a 50 mile radius from the point of origin.

~~(22)~~ “Local Road” means a route providing service which has relatively low average traffic volume, short average trip length or minimal through traffic movements, and high land access for abutting property.

~~(15)(23)~~ “Manufactured Building” or “modular building” means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems made for installation or erection as a finished building or part of a finished building, which shall include, but not be limited to residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds made and assembled offsite by a manufacturer certified in conformance with Section 553.381, F.S. is as defined in Section 553.36(11), F.S.

~~(16)(24)~~ “Manufactured Home” means is as defined in Section 320.01(2)(b), F.S.

~~(25)~~ “Maximum Dimension” means the maximum out to out dimensions of the vehicle and load thereon, including all protrusions.

~~(17)(26)~~ “Mobile Home” means is as defined in Section 320.01(2)(a) 553.36(12), F.S.

~~(18)(27)~~ “Multiple Loading” means the placing of more than one item on a vehicle so as to cause the overall measurements to in a manner which exceeds the maximum length, width, height, or weight limitations established in Sections 316.515 and 316.535, F.S.

~~(19)(28)~~ “Multi-Trip Permit” or “blanket” or “annual permit” means authorization a permit issued to allow authorize multiple trips for a period not to exceed 12 months. With the exception of inner bridge and wrecker permits, multi trip permits shall not be used in combination with other permits.

~~(20)~~ “Non-Routine Permit” means authorization issued with a structural evaluation or override authorization.

~~(21)~~ “Overdimensional” or “oversize” means any vehicle configuration, including the load, which exceeds the limitations provided in Section 316.515, F.S.

~~(22)(29)~~ “Overhang” means that portion of a load or vehicle attachment that projects beyond the front or rear wheels of a vehicle or the front or rear bumper of a vehicle if it is equipped with a front or rear bumper.

~~(23)~~ “Overweight” means any vehicle configuration, including the load, which exceeds the limitations provided in Section 316.535, F.S.

~~(24)~~ “Permit Office” means the Permit Section of the Office of Maintenance, Florida Department of Transportation, with offices located in Tallahassee, Florida. Website: www.fdotmaint.com/permit/.

~~(25)(30)~~ “Permittee” means the applicant person to whom an oversize/overweight permit is issued.

~~(26)~~ “Routine Permit” means authorization issued by the Department for an overweight or overdimensional load that did not require a structural evaluation, local movement restrictions, or override authorization.

~~(27)(32)~~ “Self-Propelled Equipment” means a single rigid frame unit propelled with its own power source, which does not transport a divisible load, and includes equipment such as earth handling equipment, cranes (which may include a dolly attachment), derricks, and fire trucks.

~~(33)~~ “Semi-trailer” is as defined in Section 316.003(46), F.S.

~~(34)~~ “Straight Truck” is as defined in Section 316.003(70), F.S.

~~(35)~~ “Trailer” is as defined in Section 316.003(58), F.S.

~~(28)~~(36) "Trip Permit" means authorization a permit issued to allow a single authorize hauling of a load from point of origin to destination, one trip only. With the exception of Ainner-bridge@ and wrecker permits, trip permits shall not be used in combination with other permits.

~~(37)~~ "Truck" is as defined in Section 316.003(59), F.S.

~~(29)~~(38) "Truck Crane" means any motorized truck vehicle (which may include a dolly attachment) designed and constructed to be used primarily for lifting, lowering, or traversing while operating from either a secure stationary position, or in a rolling position if specifically designed for rolling operation.

~~(39)~~ "Truck Tractor" is as defined in Section 316.003(60), F.S.

~~(40)~~ "Unrestricted Movement" means movement is allowed all days, all hours.

~~(30)~~(41) "Valid Permit" means authorization a special permit issued pursuant to Section 316.550, F.S., including attachments thereto, that has been issued by the Department that and has not been altered, changed, or otherwise modified, unless except in writing by the Department, accompanied by original issuing authority and such written amendment accompanies the original permit.

~~(42)~~ "Vertical Height Indicator" means a device located on the escort vehicle used to determine vertical clearance. This device must be manufactured of non-conductive and non-destructive material and must be a minimum of 6 inches higher than the load being escorted.

~~(31)~~(43) "Warning Light" means an electrical lighting device located on permitted ~~vehicle~~ and escort vehicles, used to warn all approaching traffic of a possible safety hazard. The device shall be any one or combination of the following:

- (a) Rotating.
- (b) Strobe.
- (c) Flashing.

~~(32)~~(44) "Warning Sign" means a sign device, located on permitted vehicle and escort vehicles, used to warn all approaching traffic of a possible safety hazard.

~~(33)~~(45) "Wrecker Permit" means authorization a special permit issued for the operation of a wrecker where the combined weight of the wrecker plus towed disabled vehicle exceeds the maximum weight established by Section 316.535, F.S. It may be used in combination with a disabled vehicle's permit.

Rulemaking Specific Authority 316.550(5), 334.044(2) FS. Law Implemented 316.515(5), 316.550 FS. History--New 9-15-87, Amended 7-21-91, 6-23-96, 11-10-98,_____.

14-26.00411 Procedure for Issuance of Permits.

(1) Purpose. The purpose of this ~~r~~Rule ~~c~~Chapter is to protect the public safety, to reduce interference with traffic flow on state owned highways and structures maintained roads, and to preserve the state's transportation facilities by providing

standards and procedures to govern issuance of permits for overweight and overdimensional vehicles and loads operating over state owned roadways and structures maintained roads. All Department actions taken pursuant to this Rule Chapter shall be in accordance with Chapter 120, Florida Statutes. The These rules of this rule chapter apply to all persons or entities operating overweight and overdimensional vehicles and loads not specifically exempt under Chapter 316, F.S., over state maintained roads.

(2) Intent. It is the intent of the Department to require that all reasonable steps be taken to reduce the vehicle load to legal limits of weight and dimensions. The Ppermits for overweight and overdimensional vehicles and loads are intended for a single item load which cannot reasonably be dismantled or disassembled and which cannot reasonably be shipped by rail, water, or air. The Department encourages shipment of overweight or overdimensional loads by rail or water whenever possible.

(3) The administration of these rules is assigned to the Department's Permit Office, located in Tallahassee, Florida, whose mailing address is:

Florida Department of Transportation
Permit Section
605 Suwannee Street, M.S. 62
Tallahassee, Florida 32399-0450

Travel authorization and/or permits for travel on local roadways and structures must be obtained from local authorities.

(4) Permitting Process. Payment for permits shall be in cash, by cashier's check, personal or company check, money order, credit card, or bond/escrow account. Permit requests must be received at least ten business days before scheduled movement for non-routine permits. The applicant must complete all required fields on Form 850-040-02, Request for Special Road Use Permit, rev. 03/04, incorporated herein by reference and provide the following: When requesting a permit, the following information should be furnished three days before the proposed date of movement:

- (a) Requested date for permit to begin.
- (b) Date and time request was made.
- (c) Type of vehicle/vehicle combination to be permitted (Example: truck, special mobile equipment, factory home, tractor/trailer, truck/trailer, etc.);

(d) Method of movement (Example: hauled, towed, or self-propelled);

(e) Name and phone number of permittee/applicant.

(a)(f) Total gross weight of vehicle/vehicle combination to include permitted load if over legal weight. Otherwise, the applicant must state that the gross weight is legal.

(b)(g) External bridge ~~Extreme axle measurement~~ and individual axle spacings of vehicle/vehicle combination (center of hub to center of hub) if over legal weight.

~~(c)(h)~~ Total number of axles and total weight on each axle of vehicle/vehicle combination if over legal weight. Otherwise, the applicant must state that the axle weights are legal.

~~(d)(i)~~ Total wWidth of vehicle and/or load at widest point if over legal requirements.

~~(e)(j)~~ Total length of the vehicle/vehicle combination and/or load from front to rear to include front and rear overhang. If there is any overhang, separate measurements are to be provided in addition to the total length.

~~(f)~~ Total height of the vehicle and/or load from the pavement to the highest point of the vehicle and/or load.

~~(g)(k)~~ Description of load to be transported.

~~(l)~~ Origin and destination of load.

~~(h)(m)~~ Requested route(s) of travel containing should contain detailed information, such as state highway and interstate route numbers.

~~(n)~~ Permit applications, other than requests for multi state permits, must be on Form 850-040-02, Request for Special Road Use Permit, Rev. 08/98, incorporated herein by reference. Copies of this form are available from the Department's Permit Office.

~~(5)~~ No permit will be issued until it has been verified that the route can accommodate the vehicle and load. The Department is responsible for verifying the load carrying capacity of the route. The applicant is responsible for verifying adequate vertical (height) and horizontal (length and width) clearance. Permit applications requesting a height greater than 15 feet and/or a width greater than 22 feet shall be supported by an affidavit from the applicant. The affidavit must include the name of the transporting company, the signature of the applicant, a statement verifying that the route has been surveyed, and clearances exceed the requested permitted dimension by a minimum of 6 inches for height and 2 feet on each side for width. The surveyed route and the route shown on the application must be identical. The survey must be completed by a qualified escort as described in this rule or a driver with a valid Commercial Driver's License. Special Request. A request requiring structural analysis must be submitted in writing at least ten working days before proposed date of movement. In addition to the information required for issuance of a permit, a schematic of vehicle showing all spacings, axle weights, and dimensions must be provided.

~~(6)~~ Structural Evaluation. In addition to the information required for issuance of a permit, a schematic of the vehicle showing all longitudinal and transverse spacings, axle weights and dimensions must be provided at least ten business days before a proposed move when the vehicle's gross weight exceeds 199,000 pounds so that a structural analysis can be performed. Applicants, whose vehicles have a gross weight of less than 199,000 pounds, will be required to provide a schematic as well when an Engineer of the Office of Maintenance, Bridge Section, determines that a structural analysis is needed.

~~(6)~~ Multi-Trip Permits. With the exception of "inner bridge" multi-trip permits, all multi-trip permits include a Department map and list indicating routes over which the permitted vehicle and load can or cannot travel. In order for the permit to be valid, the map and list must be attached to the permit. With the exception of an "inner bridge" and wrecker permit, multi-trip permits shall not be used in combination with other permits.

~~(7)~~ Operational use of permits. A valid permit is defined in subsection 14-26.0041(4), F.A.C. The configuration and weight(s) of a vehicle and its load traveling under a special permit must match the configuration and weight(s) described on the permit and any authorized amendments to that permit. For vehicles traveling under a trip permit, the vehicle or load must match either the truck tag number, trailer tag number, vehicle identification number, the bill of lading number, or the load identification number identified in the permit; for vehicles traveling under a multi-trip permit, the vehicle type and load must match the vehicle type and load described in the permit. Under both types of permits, the permitted vehicle's size, weight, number of axles, axle spacings, and any unique characteristics must comply with the limits for that item if addressed in the permit or any amendment to that permit.

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.535, 316.550 FS. History-New 8-26-82, Formerly 14-26.06, Amended 9-15-87, 7-21-91, 6-23-96, 11-10-98,

14-26.0042 Exemption from Permit Requirements.

Certain dimensional (width, height, length) exemptions from permit requirements are enumerated in Section 316.515, F.S. and Section 316.535, F.S. Exempted entities Entities so exempted are also exempt exempted from the requirements for qualified escorts. No permit exemptions are allowed for weight.

Rulemaking Specific Authority 316.550, 334.044(2), 316.535 FS. Law Implemented 316.515(5)(a), 316.535(6) FS. History-New 9-15-87, Amended 7-21-91, 4-19-94, 6-23-96, 11-10-98,

14-26.00425 Criteria for Issuance of Permits.

~~(1)~~ The Department must consider interference with traffic flow, effect on public safety, and the preservation of state maintained roads. The Department shall consider the following criteria when evaluating permit requests exercising the discretion to issue or deny a permit and when prescribing conditions limiting which limit the use of said permit:

~~(a)~~ All details relevant to the proposed move as presented by the applicant and as requested by the Department.

~~(a)(b)~~ Whether the load can be reasonably dismantled or disassembled;

~~(b)(e)~~ Protection of the motoring public from traffic hazards created by the movement of overweight and overdimensional vehicles or loads on state owned highways and structures maintained roads;

~~(c)(d)~~ Prevention of The convenience and comfort of the other motorists including undue delays in the normal flow of traffic;

~~(d)(e)~~ Prevention of damage to the highway pavement, facilities, and structures;

~~(e)(f)~~ Assistance needed for by persons, companies, or organizations with special transportation problems involving excess size or weight;

~~(f)(g)~~ Whether vehicle(s) meet the Department's established axle load and axle spacing requirements based upon structural analysis of the bridge structures to be crossed;

~~(g)(h)~~ The number of lanes, width of lanes, and the condition of the pavement to be traversed;

~~(h)(i)~~ The number, adequacy, and availability of access routes;

~~(i)(j)~~ The adequacy of the width of the driving lanes to be used;

~~(j)(k)~~ The number and types of accidents and fatalities occurring on the roads of the proposed route;

~~(k)(l)~~ The shoulder conditions and widths on the proposed route;

~~(l)(m)~~ The average daily volume of traffic;

~~(m)(n)~~ The volume of traffic during peak periods;

~~(n)(o)~~ The number of traffic signals per mile;

~~(o)(p)~~ The frequency of necessary vehicular lane changes;

~~(p)(q)~~ The availability of emergency lanes;

~~(q)(r)~~ Temporary conditions such as construction or impending adverse weather;

~~(r)(s)~~ The applicant's certification of available vertical clearance on the proposed route for all loads/vehicles over 15 feet high;

~~(s)(t)~~ The applicant's certification of available horizontal clearance on the proposed route for all loads/vehicles over 22 feet wide;

~~(t)(u)~~ The applicant's previous permit compliance history; Failure to comply with this Rule Chapter when operating overweight or overdimensional vehicles or loads over state maintained roads pursuant to previously issued permits, consistent with the provisions of Section 316.550(5), F.S.;

~~(u)(v)~~ Other items which affect traffic flow or safety; Failure to comply with the permitting requirements of this Rule Chapter;

~~(v)(w)~~ All details relevant to the proposed move as presented by the applicant and as requested by the Department.

(2) Override Authority. Authority to override Sections 316.550 and 336.535, F.S., Florida Statutes, and Rule Chapter 14-26, F.A.C.

(a) Pursuant to Section 316.550, F.S., those in authority over the Department of Transportation operations, such as the Governor, Secretary of the Department of Transportation, Assistant Secretary for Engineering and Operations Transportation Policy, and the State Highway Engineer have

powers by which they, in extenuating circumstances, may authorize the Department's Permit Office to issue permits for vehicles or loads not specifically authorized by statute or rule, thereby exceeding the normal daily operational safety standards and procedures of Sections 316.515, 316.535, F.S., Chapter 316, Florida Statutes and Rule Chapter 14-26, F.A.C.

(b) To obtain a permit for vehicles or loads not specifically authorized in this rule chapter, an applicant must include, with the permit application, a letter of essentiality from a government entity or the ultimate recipient of an essential service, providing justification for issuance of a non-routine permit. A letter from the hauler, distributor, or manufacturer will not be accepted. The letter must verify that the load has been reduced to the smallest size possible, cannot be shipped by any other means of transportation, and state why the move is essential in the interest of public safety, national defense or other extenuating circumstances. These permits must be:

~~1. Initiated with a letter signed by the person in authority authorizing issuance of the permit.~~

~~2. Documented in the Department's Permit Office files.~~

~~3. Concurred with by state coordinators (military and civilian) listed in the Department of Army's Mobilization Movement Control (MOBCON) Coordinators directory for all military defense movements.~~

(c) The applications, supporting documentation, authorizations, and permits will be documented and maintained by the Department.

(d)(e) In case of Emergencies: Upon a Governor's Declaration of Emergency, in order to allow response to the emergency, and after safety considerations, the Department may temporarily suspend certain permit restrictions by issuing an emergency permit letter.

~~1. Authorized persons may verbally authorize permit issuance, if authorization is documented with a letter within 48 hours with a letter to be filed in the Department's Permit Office files.~~

~~2. All military defense movement operations need concurrence with state coordinators (military and civilian) listed in the Department of Army's Mobilization Movement Control (MOBCON) Coordinators directory.~~

~~(5) Under no circumstances shall a permit be issued until it has been verified that the route can accommodate the vehicle and load. The Department is responsible for verifying the load carrying capacity of the route. The applicant is responsible for verifying adequate vertical and horizontal clearance. Permit applications requesting a height greater than 15 feet shall be supported by an affidavit from the applicant. The affidavit must include the name of the transporting company, the signature of the permittee, and a statement verifying that the route has been surveyed, and clearances exceed the requested permitted dimension by a minimum of 6 inches, thereby allowing all loads to clear the route safely. The surveyed route and the route shown on the application must be identical.~~

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.550, 316.565, 334.044(27) FS. History—New 9-15-87, Amended 6-23-96, 11-10-98, _____.

14-26.0043 ~~Multi-State Travel SASHTO Agreement on Multi-State Permitting of Oversize and Overweight Vehicles.~~

The Southeastern Association of State Highway Transportation Organizations (SASHTO) Agreement on Multi-State Permitting of Oversize and Overweight Vehicles, ~~rev. 08/03, dated August 21, 2003, dated July 26, 1994,~~ and the standard permit application form, approved therein, entitled “Multi State Overweight/Oversize Application/Permit”, ~~and effective November 22, 1994,~~ are hereby incorporated by reference and made a part of the rules of the Department. The Florida Department of Transportation, ~~representing the State of Florida,~~ is a member state ~~of~~ to SASHTO and signator to the agreement. Permittees seeking permits for multi-state moves which include travel in the State of Florida must either apply for permits pursuant to the SASHTO Agreement on Multi-State Permitting of Oversize and Overweight Vehicles, or apply for permits under the provisions otherwise provided in this rule chapter. Copies of this agreement may be obtained at no more than cost pursuant to the provisions of Section 120.53(2), F.S., by contacting Florida Department of Transportation, State Permits Engineer, 605 Suwannee Street, Mail Station 62, Tallahassee, Florida 32399-0450.

Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550, 320.0104(2) FS. History—New 11-22-94, Amended _____.

14-26.0044 Interstate Movements.

Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550, 310.0104(2) FS. History—New 3-28-95, Repealed _____.

14-26.007 Liability of Permittee.

Permits are granted with the specific understanding that the permittee shall be responsible and liable for any damage to state roadways and structures accident, damage or injury to any person or property resulting from the operation of the equipment, including escorts, upon public streets and highways of the state. The permittee shall hold blameless and harmless and shall indemnify the State of Florida Department of Transportation and members thereof, its officers, agents and employees against any and all claims, demands, loss, injury, damage, actions and costs of actions whatsoever, which they or any of them may sustain by reason of any and all unlawful or negligent acts of omission or commission arising in any manner out of the issuance of the permit or the operation of the vehicle, load, or escort and load.

(1) In order to obtain a permit to operate a vehicle or combination of vehicles and load in excess of the legal height, legal length, and a width, or weight limitations of Section 316.515, F.S., or 316.535, F.S., of ten feet six inches, the permittee will be required to have one of the following:

(a) Insurance in the amount of \$100,000 per person and \$200,000 per accident or occurrence for property damage; or

(b) A bond in the amount of \$100,000 per person and \$200,000 per accident or occurrence made payable to ~~the~~ Governor of the State of Florida.

(2) Permittees operating a commercial motor vehicle as defined in Section 207.002(2), F.S., shall be required to comply with the minimum insurance requirements of Section 627.7415, F.S.

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented ~~316.535,~~ 316.550, 316.560 FS. History—New 8-26-82, Formerly 14-26.07, Amended 9-15-87, Repromulgated 4-22-92, Amended 6-23-96, _____.

14-26.008 Schedule of Fees.

The following schedule of fees shall be charged by the Department for permits for overweight and/or overdimensional vehicles operating on state owned roadways and bridges:

TABLE 1A – SCHEDULE OF FEES FOR OVERDIMENSION PERMITS		
	TRIP PERMIT 5 Days	MULTI-TRIP 12 Months
(1) OVERDIMENSION		
(a) Straight Trucks and Semi-truck-tractor-trailer.		
Up to 12 Feet w Wide, or up to 13 Feet 6 i nches h High or up to 85 Feet l ong.	\$5.00	\$20.00
Up to 14 Feet w Wide or up to 14 Feet 6 i nches h High or up to 95 Feet l ong.	\$15.00	\$150.00
Up to 14 Feet w Wide or up to 18 Feet h High or up to 120 Feet l ong.	\$25.00	\$250.00
Over 14 Feet w Wide or over 18 Feet h High or over 120 Feet l ong.	\$25.00	NOT ISSUED
(b) Overlength Semi-trailers of legal wWidth, hHeight, and wWeight, which exceed 53 Feet in length up to 57 feet 6 inches in length or overlength semi-trailer with kingpin setting greater than 41 Feet.	\$10.00	\$30.00
(c) Truck cCrane or eEarth hHandling eEquipment mMoving under own pPower, up to 12 Feet wWide or 14 Feet 6 inches hHigh, or 85 Feet long.	\$15.00	\$150.00
(d) Trailers or equipment towed with ball or pintle		
Up to 10 Feet w Wide or up to 13 Feet 6 i nches h High or up to 80 Feet l ong.	\$5.00	\$20.00
Up to 12 Feet w Wide or up to 13 Feet 6 i nches h High or up to 105 Feet l ong.	\$5.00	\$330.00
Up to 14 Feet w Wide or up to 14 Feet 6 i nches h High or up to 105 Feet l ong.	\$15.00	\$500.00
Over 14 Feet w Wide or over 14 Feet 6 i nches h High or over 105 Feet l ong.	\$25.00	NOT ISSUED

NOTE: All permitted dimensions (length, height, width) must be within limits shown for permit fee.

TABLE 1B – SCHEDULE OF FEES FOR OVERWEIGHT VEHICLES		
	TRIP PERMIT 5 Days	MULTI-TRIP 12 Months
(2) OVERWEIGHT		
(a) Up to 95,000 pounds.	\$0.27 Per Mile	**\$240.00
(b) Up to 112,000 112,100 pounds.	\$0.32 Per Mile	**\$280.00
(c) Up to 122,000 pounds.	\$0.36 Per Mile	**\$310.00
(d) Up to 132,000 pounds.	\$0.38 Per Mile	**\$330.00
(e) Up to 142,000 pounds.	\$0.42 Per Mile	**\$360.00
(f) Up to 152,000 pounds.	\$0.45 Per Mile	**\$380.00
(g) Up to 162,000 pounds.	\$0.47 Per Mile	** \$400.00
(h) Up to 199,000 Over 162,000 pounds.	\$0.003 Per 1,000 Pounds Per Mile	\$500.00
(i) Over 199,000 pounds.	\$0.003 Per 1,000 Pounds Per Mile	NOT ISSUED
(j)(+) Containerized Cargo Unit.	\$0.27 Per Mile	\$500.00
(k)(+) Overall Wheel Base (Inner Bridge/External Bridge).	\$10.00	\$35.00
(3) SPECIAL PERMIT FEES		
Transmission Fee	\$5.00	NOT APPLICABLE

**Dimensions greater than 12 feet wide or 13 feet 6 inches high or 85 feet long will have an additional dimension fee with a combined fee not to exceed \$500.00.
 NOTE: For weights over 80,000 pounds [Items (2)(a) through (h) above], add an administrative cost of \$3.33 for issuance of permit by the Permit Office, which does not include the costs charged by wire services for their services. Permit fees shall be based on 25 mile increments rounded up to the nearest dollar. Example: A 112,000 pound load traveling 67.5 miles would cost (75 miles X \$0.32) plus \$3.33 = \$27.33 rounded up to \$28.00 in addition to the \$5.00 transmission fee when applicable.

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History–New 8-26-82, Formerly 14-26.01, Amended 12-6-83, Formerly 14-26.08, Amended 9-15-87, 7-21-91, Amended 4-22-92, 3-1-94, 6-23-96, 11-10-98,_____.

14-26.009 Exemptions from Fee Requirement.

The following entities ~~agencies~~ are exempt from the fee requirements specified in Rule 14-26.008, F.A.C., above:

- (1) The United States Government.
- (2) Departments of the State of Florida.
- (3) The Florida National Guard.
- (4) Counties.
- (5) Cities.
- (6) Municipalities.
- (7) Special taxing districts.

(8) Seminole Tribe as ~~“Tribe”~~ is defined in Chapter 285, F.S.

(9) Any person or entity moving portable public school buildings.

(10) Implement of husbandry, farm equipment, agricultural trailers and forestry equipment.

(11) Movement of loads in response to a Governor’s Declaration of Emergency.

The above entities or agencies are exempt from the fee requirements only when being operated for non-commercial purposes. These vehicles must obtain an overweight and/or overdimensional permit to operate on state owned roadways.

Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550, 316.565 FS. History–New 8-26-82, Formerly 14-26.09, Amended 6-23-96, 11-10-98,_____.

14-26.0091 Tire Requirements.

(1) Each axle must have tires of the same size and construction. Tires must be properly inflated for the load to be carried. In no event shall any tire, wheel or rim exceed the manufacturer’s maximum load-carrying limit. Tires and tire usage must be consistent with the requirements of 49 C.F.R., Section 393.75, rev. 10/08, as required by Section 316.302(1), F.S.

(2) A vehicle equipped with dual tires may have the dual tires replaced by a single tire so long as the vehicle, axle, and tire load ratings are not exceeded.

(3) No tire may exceed 550 pounds per inch of tire section width (plus scale tolerance) as defined by the rating molded in the tire sidewall. For example, a designation of 445/50R22.5 designates a tire section width of 445 mm (17.5 inches).

Rulemaking Authority 316.302(1), 334.044(2) FS. Law Implemented 316.302(1), 316.535(6) FS. History–New _____.

14-26.011 Waiver of Axle Limitations.

Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550 FS. History–New 8-26-82, Amended 12-6-83, Formerly 14-26.11, Amended 11-10-98, Repealed _____.

14-26.012 Movement Conditions and Restrictions.

(1) Operational use of permits. The configuration and weight(s) of a vehicle and its load traveling under permit must match the configuration and weight(s) described on the permit and any authorized amendments to that permit. For vehicles traveling under a trip permit, the vehicle or load must match either the truck tag number, trailer tag number, vehicle identification number, the bill of lading number, or the load identification number identified in the permit. Vehicles traveling under a multi-trip permit, the vehicle type and load must match the vehicle type and load described in the permit. Under both types of permits, the permitted vehicle’s size, weight, number of axles, axle spacings, and any unique characteristics must comply with the limits for that item if addressed in the permit or any amendment to that permit. Trip

permits are valid only for those routes specified in the permit. Multi-trip permit vehicles are not allowed to travel on any restricted bridges or any restricted roadways identified in the permit or its attachments. No vehicle may cross any posted bridge when the vehicle exceeds the prescribed limits of the bridge.

(2) Multi-Trip Permits. With the exception of "inner-bridge" multi-trip permits, all multi-trip permits include a Department map and list indicating routes over which the permitted vehicle and load can travel. The map and list must remain attached to the permit. With the exception of "inner-bridge" and wrecker permits, multi-trip permits shall not be used in combination with other permits.

(3)(4) Escorts accompanying overdimensional loads as required by permit or pursuant to subsection 14-26.012(6), (7), or (8), F.A.C., are limited to:

(a) Law enforcement escorts.

1. ~~For nighttime moves.~~

2. ~~When required by permit pursuant to Rule 14-26.012(6), (7), or (8), F.A.C.~~

3. ~~Must be a currently certified law enforcement person having jurisdiction within the State of Florida~~

(b) ~~Escorts qualified by another state state's authorizing agency, provided that the other state has equal or more stringent standards as those required by Florida for qualified escorts and the escort has been qualified or re-qualified within the past four years.~~

(c) Qualified escorts.

1. ~~Up to and including July 1, 2000, escorts qualified by successfully completing a Department worksite traffic course currently offered by sponsors approved by the Department's Maintenance of Traffic Committee will be allowed to escort overdimensional loads. Such sponsors are selected according to prior experience and performance record in presenting instruction courses, demonstrated course content and methods of instruction, familiarity with state and federal standards, and familiarity with Department goals and objectives for the training to be presented.~~

2. ~~After July 1, 2000, the Department Worksite Traffic Course will no longer be recognized and will be replaced by a requirement to complete an Escort Qualification Course offered by Department approved sponsors.~~

3. ~~Mandatory requirements:~~

1.a. Must be at least 18 years of age and must possess a valid driver's license in the state or jurisdiction in which he or she is a resident.

2.b. Must have successfully completed a minimum eight hour defensive driving course as provided by a National Safety Council qualified instructor or hold a currently valid Commercial Driver's License (~~CDL~~) (Class A, B, or C). The instructor shall not be an employee of the employing escort service.

3.e. Must have successfully completed a minimum eight hour pilot/escort flagging course in management of highway movements or oversize vehicles and loads and must be qualified to perform such functions within Florida or any other state in the nation. The qualification must be current and must be from an entity approved by the Department based upon that entity's course content, methods of instruction, and familiarity with state and federal standards.

4.d. Shall maintain in his or her possession, for prompt presentation upon request by a law enforcement person or Department representative, a copy or copies of the qualification document or documents verifying completion of the required qualification courses, required in Rule 14-26.012(2)(b)2. and 3., F.A.C., above.

5.e. Shall be requalified every four years by successfully completing a four hour Department approved refresher course.

(4)(2) Escort Vehicle and Equipment Requirements for Qualified Escorts.

(a) Escort Vehicles.

1. Escort vehicle(s) must be a single unit vehicle with a gross vehicle weight rating of at least weighing more than 2,000 pounds and with a manufacturer's gross vehicle weight rating less than 26,000 45,000 pounds. The vehicle must be properly licensed, registered, and ~~must~~ be operated by a qualified escort.

2. Identification signs or placards showing the name of the company or the owner or driver of the escort vehicle must be in a conspicuous place on both the right and left sides of the escort vehicle. The signs or placards shall be at least 8 inches x 12 inches, or contain the equivalent square inches, and shall also contain the telephone number of the owner or driver plainly legible and visible to the motoring public.

3. All escort vehicles must be equipped with high visibility rotating, strobe or flashing class 2 Class 2 amber warning lights mounted so as to be seen by all approaching traffic at a distance of at least 500 feet that meet (Society of Automotive Engineers Recommended Practice) SAE J845 or SAE J1318, incorporated herein by reference. Copies of this document are available from the Department's Permit Office.

4. Escort vehicles shall display either a bumper mounted or a roof mounted yellow sign (or may display both) reading "OVERSIZE LOAD" with black letters with a minimum brush stroke of 10 inches high and 1 1/2 inches wide, which must be visible from front and rear.

5. Two flags, either red or fluorescent orange in color, which must be at least 18 42 inches x 18 42 inches, shall be mounted at approximately a 40 to 70 degree angle on the escort vehicle's roof rack.

(b) On board Equipment. During escort operations, all escort vehicles shall have onboard the following equipment and such equipment shall be in working order:

1. Operable two-way electronic communications. Qualified escorts must be in radio contact with load drivers at all times during movements.

2. Two fire extinguishers (minimum five pounds each).

3. "STOP" and "GO" or "STOP" and "SLOW" paddles ~~paddle~~ a (minimum 18 inches in diameter with 6 inch high letters).

4. A high visibility, flourescent class 2 s ~~Safety orange~~ vest for flagging during daytime hours or, ~~shirt, or jacket~~ a high visibility, flourescent class 3 safety vest when flagging at night.

5. One hand-held flag, either red or flourescent orange in color, which must be at least 18 1/2 inches x 18 1/2 inches.

6. Two warning signs (yellow with black lettering) with a minimum brush stroke of 10 inches high and 1 1/2 inches wide. Each warning sign shall have a total dimension of not less than 7 feet long by 18 inches high. These signs shall be used in the event the permitted vehicle or load loses its sign(s).

7. Hard hat (~~no color specified~~).

8. Three 36 inch traffic cones. Traffic cones must be reflective if used at night.

9. For over height loads, the lead vehicle must have a vertical height indicator, i.e., height pole used to determine vertical clearance. This device must be manufactured of non-conducive and non-destructive material and must be positioned at a height of at least 6 inches above the height of the load being escorted.

~~10. Additional equipment recommended, but not mandated:~~

~~a. Hand held two way electronic communications.~~

~~b. Flares or approved alternatives.~~

~~c. Map(s).~~

~~d. Height indicator for all loads.~~

~~(5)(3) Escort Functions. Escorts are required to watch and direct traffic or the load to ensure public safety. Escorts may, when actively escorting permitted loads, perform necessary traffic control functions as defined in Section 316.079(2), F.S. Florida Statutes. No escort or escort vehicle may be used to perform any other function that could distract from the escort responsibilities. The total number of escorts required will be determined based upon safety considerations. In cases where If one qualified escort is required for an over width load, the qualified escort shall precede the load on two lane highways or follow the load on four lane divided highways. In cases where If two qualified escorts are required, one must precede the load and one must follow. If the load is over length only, the escort vehicle shall be in the rear of the load at all times. Qualified Escorts shall operate no more than 300 feet in front of or behind the load unless road conditions or permit stipulations dictate otherwise. Escort vehicles in the process of escorting a permitted vehicle or load must proceed through weigh stations and must not bypass such stations.~~

~~(6)(4) Other Safety Requirements and Restrictions for the Permitted Load and Vehicle.~~

~~(a) Flags. Flags shall be clean, have high visibility, and be at least 18 1/2 inches x 18 1/2 inches. They shall be displayed so as to wave freely on all four corners of the vehicle over width loads and at the extreme ends of all protrusions, projections, or overhangs.~~

~~(b) Warning Lights.~~

~~1. Required Display. All Vvehicles or loads exceeding 10 ten feet in width, 80 feet in length (or over 3 feet of front overhang for self-propelled equipment), or 14 feet 6 inches in height shall have warning lights, which shall:~~

~~a. Be high visibility rotating, strobe or flashing amber warning lights and;~~

~~b. Be mounted so as to be seen by all approaching traffic at a distance of at least 500 feet.~~

~~2. Description. Warning lights shall be Class 2 amber warning lights that, cet SAE J845 or SAE J1318.~~

~~3. Mounting. Warning lights are to be mounted so as to be seen by approaching traffic at all distances between 500 feet and 50 feet under clear atmospheric conditions.~~

~~(c) Warning Signs.~~

~~1. Required Display. All Vvehicles or loads exceeding 10 feet in width, 80 feet in exceeding legal length (or 60 feet in length for self-propelled equipment), or 14 feet 6 inches in height, or exceeding legal overhang must display two warning signs. Voids (holes) can be cut in warning signs for lights.~~

~~2. Description. Each warning sign shall:~~

~~a. Ceonsist of black letters 12 inches high with a brush stroke of not less than 1 1/2 inches wide on a yellow background.~~

~~b. The sign shall Sstate "OVERSIZE LOAD."~~

~~c. Each warning sign shall Hhave a total dimension of not less than 7 feet long by 18 inches high.~~

~~3. Location.~~

~~d. One sign shall Bbe fastened with one sign at the front of the power unit and the other at the rear of the towed unit or at the rear of the load. Voids (holes) may be cut in warning signs as sSigns must not cover any vehicle light or reflector.~~

~~(d) Movement During Periods of Poor Visibility. No travel is allowed when road conditions, weather conditions or horizontal visibility is less than 1,000 feet. Vehicles which are underway when inclement weather occurs must exit the road at the first available location and park until the weather clears or until road conditions improve.~~

~~(e) Movements on Weekends and Holidays. Unless otherwise noted on the permit, movements are prohibited on weekends and holidays. A The request of a government entity, meeting the criteria of Rule 14-26.0051, F.A.C., are met, shall be allowed to travel all days, all hours with a valid permit.~~

(f) ~~Nighttime movement~~ ~~Unrestricted Movement~~. When the criteria of Rule ~~14-26.00425~~ and ~~14-26.012~~, F.A.C., are met, trip or multi-trip permits shall be issued providing:

1. Nighttime travel is recommended by the Department's District Traffic Engineering Office(s) or determined to be a requirement of the permit by the Office of Maintenance.

2. Law enforcement escort(s) are used.

3. ~~Warning~~ ~~Steady burning~~, ~~amber~~ lights shall delineate the shape and size of the load.

4. The sides and rear of trailers and loads shall be lighted in the manner prescribed in 49 C.F.R. Sections 393.11 through 393.26, as required by Section 316.302(1)(a), F.S. Florida Statutes.

~~3. Qualified escorts will be required when, based upon a consideration of the nature of the load, the road to be traveled, the area to be traversed, and the time of travel, it is determined that a qualified escort is necessary to ward or direct traffic or the load.~~

(7) Permitted vehicles must proceed through all open weigh stations. All vehicles, including vehicles equipped with an automatic vehicle identification system, must stop at the weigh station when directed by a motor carrier compliance officer or other law enforcement officer.

~~(8)(5) Width Limitations.~~

(a) Vehicles ~~Limitations~~ up to 10 Feet. When the criteria of Rule ~~14-26.00425~~ ~~14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted all days, during daytime hours only. Flags are required.

(b) Vehicles ~~o~~Over 10 Feet up to 12 Feet. When the criteria of Rule ~~14-26.00425~~ ~~14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement permitted daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. Except for local moves, this is the maximum width allowed on a straight truck.

(c) Vehicles ~~o~~Over 12 Feet up to 14 Feet. When the criteria of Rule ~~14-26.00425~~ ~~14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays; ~~as defined by Rule 14-26.0041(8), F.A.C.~~ Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle is required. A ~~m~~Minimum of one escort vehicle, with ~~qualified~~ escort, is required at all times.

1. All manufactured buildings, manufactured homes, mobile homes, modular buildings, sheds, and swimming pools shall use a minimum of four warning lights mounted, with two in the front and two in the rear at each corner of the towed or hauled unit.

2. All other loads shall have a minimum of ~~two one~~ warning ~~lights~~ ~~light~~ mounted with one on at the front and one on warning light mounted at the rear of the load.

3. On roadway lanes less than 12 feet wide, bridges with less than 30 feet curb to curb, and in rural areas with traffic volume greater than 12,000 Average Daily Traffic (~~hereinafter~~ ADT) per lane or in urbanized areas (more than 50,000 population) with ADT greater than 8,000 vehicles per lane, two qualified escorts are required except on loads with a minimum of four warning lights mounted two in the front and two in the rear of the towed or hauled unit. ~~Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle required with minimum four tires on rear axle(s).~~

4. ~~No m~~Movement will be allowed ~~restricted~~ in congested areas during peak traffic hours ~~unless, based upon a consideration of the size and shape of the load and the anticipated times of travel through a congested area, the distance of travel in the congested area and the length and time of day of the peak traffic periods, it is shown that the safety and efficiency of state maintained roads will not be adversely affected.~~

(d) Vehicles ~~o~~Over 14 Feet up to 16 Feet. When the criteria of Rule ~~14-26.00425~~ ~~14-26.0051~~, F.A.C., are met, trip permits only shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle is required. Two escort vehicles, with ~~qualified~~ escorts, are required at all times during the move, one in the front and one in the rear of the load.

1. All loads consisting of manufactured buildings, manufactured homes, mobile homes, modular buildings, sheds, and swimming pools shall use a minimum of four warning lights mounted with two on the front and two on the rear at each corner of the towed or hauled unit.

2. All other loads shall have a minimum of ~~two one~~ warning ~~lights~~ mounted with one on at the front and one on warning light mounted at the rear of the load. ~~Flags, warning signs, and warning lights are required.~~

3. Two lane roadways shall not be used as a connector route whenever viable four lane routes are available. Requests for two lane roadways as connector routes may require justification from the customer and ultimate approval from the Department. No mMovement will be allowed ~~may be restricted~~ in congested areas during peak traffic hours.

4. The maximum width for manufactured buildings is 16 feet. ~~Except for local moves, minimum 26,001 pound registered GVW tow vehicle required.~~

(e) Vehicles ~~o~~Over 16 Feet. When the criteria of Rule ~~14-26.00425~~ ~~14-26.0051~~, F.A.C., are met, only trip permits only shall be issued. Same as criteria for "Vehicles over 14 Feet up to 16 Feet" except movement will be restricted to local moves ~~unless based upon the size and shape of the load, and the anticipated times of travel through a congested area, the~~

distance of travel in the congested area, and the length and time of day of the peak traffic periods, that the safety and efficiency of state maintained roads will not be adversely affected. Applications for permits over 16 feet wide are subject to review by the Department's District Traffic Engineering Office(s).

1. Law enforcement escort(s) shall be required for all moves.

2. Items ~~Item~~ must be moved by rail, air, or water when possible.

3. Trip permit requests for vehicles over 22 feet wide will require an affidavit verifying that the proposed route has adequate horizontal clearance to accommodate the requested width in addition to two feet on each side.

(9)(6) Height Limitations.

(a) Vehicles ~~u~~Up to 14 Feet 6 Inches. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted all days; and all hours. Except for local moves, this is the maximum height for loads hauled on straight trucks. ~~Automobile transporters may obtain a trip or multi-trip permit for a load up to 14 feet high.~~

(b) Vehicles ~~o~~Over 14 Feet 6 Inches up to 16 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted daytime hours only, excluding weekends and holidays, ~~as defined by Rule 14-26.0041(8), F.A.C.~~ Flags, warning signs, and warning lights are required. A minimum of two w~~Warning lights~~ light are required; one mounted on the front and one on the rear of the load. An e~~Escort~~ vehicle with a vertical height indicator is required to precede the load.

(c) Vehicles ~~o~~Over 16 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Multi-trip permits shall be limited to vehicles up to 18 feet. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required with one mounted on the front and one on the rear of the load. In addition, m~~Movement is restricted to local moves only, with no movement allowed on limited access facilities unless, based upon a consideration of the size and shape of the load, the anticipated times of travel through a congested area, the peak traffic periods, the distance of the travel in the congested area, and the length of the transported load, it is shown that the safety and efficiency of the state maintained road will not be adversely affected.~~

1. Trip permit requests for movement of vehicles over 15 feet high will require an affidavit verifying the proposed route has clearance to accommodate the request plus six inches.

2. One law enforcement escort in addition to one escort is required. One escort must precede the load with a vertical height indicator. Two qualified escorts are required, a minimum of one must be law enforcement.

3. Appropriate utility personnel will also be required whenever the load will encounter low barriers; such as overhead structures, traffic signals, and low wires.

(10)(7) Length Limitations.

(a) Vehicles ~~Limitations~~ up to 80 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. ~~Applicable to all permitted vehicles (combination vehicles, e.g., semi-trailer truck combinations, and straight trucks and trailers) and all hours. Minimum 26,001 pound registered GVW vehicle required. Movement is permitted all days; and all hours.~~

1. ~~Rear overhang, as defined by Rule 14-26.0041(28), F.A.C.,~~ is limited to a maximum of 10 feet during nighttime movement unless otherwise stated on the permit.

2. When overhang exceeds 4 feet, a warning light is required on the top of the vehicle; ~~At the extreme rear of the load~~ there must shall be two red lamps and two red reflectors ~~and on each side of the load shall be one red lamp.~~ Each required warning lamp shall be visible from a distance of at least 500 feet.

(b) Vehicles ~~o~~Over 80 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. ~~Minimum 26,001 pound registered GVW vehicle required. Movement is permitted during~~ daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two w~~Warning lights~~ are required to be mounted: one on the front top of the vehicle and one on the rear of the load

1. No movement will be allowed in congested areas during peak traffic hours for vehicles over 85 feet in length.

2. ~~An e~~Escort ~~vehicle~~ is required when the length exceeds 95 feet.

3. Truck tractor semi-trailers with three points of articulation are allowed up to 105 feet without an escort ~~vehicle.~~

4. Maximum length for a manufactured home, tractor combination is 105 feet provided the length of the towed housing does not exceed 81 feet, including all overhangs and tongue. ~~Movement over 85 feet shall have time restrictions in areas with traffic volume greater than 12,000 ADT per lane or in urbanized areas (more than 50,000 population) with ADT greater than 8,000 vehicles per lane.~~

5. Two qualified escorts are required when the length exceeds 150 feet unless the vehicle is travelling on a limited access facility, then only one qualified escort is required.

6. One law enforcement escort and one qualified escort are required when the length exceeds 250 feet.

(c) Self-Propelled Equipment Length Limitations. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. For all self-propelled equipment, the boom must be fully retracted. Nighttime movement requires that the front overhang has a minimum of 80 inches clearance above the roadway. In addition, no

movement is allowed on limited access facilities with units designed for off road use. Flags and one warning light are required. In addition the following restrictions will apply:

1. Total length up to 40 Feet.

~~a. Front Overhang over 3 Feet up to 9 Feet. When the criteria of Rule 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement may be permitted all days, all hours. Warning light is required to be mounted at the extreme end of the boom.~~

~~b. Front Overhang over 9 Feet. When the criteria of Rule 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted daytime hours only unless required in direct support of emergency utility operations, all days. Flag and warning light required. Warning light is required to be mounted in such a way as to be seen by all approaching traffic.~~

1.2. Total length up to 60 Feet.

~~a. Front Overhang over 3 Feet up to 9 Feet. When the criteria of Rule 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is may be permitted on all days, all hours. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic boom.~~

~~b. Front Overhang over 9 Feet. When the criteria of Rule 14-26.0051, F.A.C. are met, trip or multi-trip permits shall be issued. Movement is permitted all days, during daytime hours only unless required in direct support of emergency utility operations, all days. Flag and warning light required. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.~~

~~2.4. Total Length over 60 Feet up to 85 Feet Maximum. When the criteria of Rule 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flag and warning signs required. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.~~

~~(11)(8) Multiple Loading. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip or multi-trip permits only shall be issued. Multiple loading will be permitted providing:~~

~~(a) Multiple loading does not cause an increase in the overdimension being permitted (either width, length, or height) the dimensions of the load to exceed those limits established in Section 316.515, F.S., and~~

~~(b) Multiple loading does not cause the gross vehicle weight to exceed those limits established in Section 316.535, F.S.~~

~~1. Legal weight may be exceeded when the gross vehicle weight does not exceed 100,000 pounds and no more than two overlength items are being carried by the permitted vehicle; and~~

~~(c)2- Vehicles will only be allowed to exceed the gross vehicle weight limits established in Section 316.535, F.S., when components:~~

~~1. Attachments (e.g. blade, rake, bucket, counterweights) that are a normal part of the permitted working equipment have been removed to reduce the size of the load for safety reasons e.g. blade, rake. Multiple attachments may be transported if they are attachable to the equipment and necessary for operation. For example, a load consisting of a bulldozer along with an unattached blade and rake, both of which can be attached to the bulldozer, would be acceptable; however, a bulldozer may not be transported with two blades where only one blade can be attached for normal use on the bulldozer.~~

~~2. The gross vehicle weight does not exceed 100,000 pounds and no more than two overlength items are being hauled.~~

~~(12)(9) Designated Permits.~~

~~(a) An "Implements of Husbandry, farm equipment, agricultural trailers, and forestry equipment are exempt by Section 316.515, F.S., from certain size requirements, however, these vehicles are not exempt from any overweight limitations set forth in Section 316.535, F.S. When the vehicle configurations exceed any of the weight limits described in Section 316.535, F.S., an overweight permit must be obtained from the Department." will be issued trip or multi-trip permits for local moves on local roads in farming areas when, based upon a consideration of the size and shape of the load and the anticipated times of travel through a congested area, the distance of travel in the congested area and the length and time of day of the peak traffic periods, it is shown that the safety and efficiency of the state maintained roads will not be adversely affected.~~

~~(b) Movement of an empty truck tractor semi-trailers up to 11 feet in width and not over, not exceeding 105 feet in length, traveling on or within five miles of limited access roadways, when operating with an existing valid permit will be allowed to travel during nighttime hours. Warning lights are required to be mounted in such a way as to be seen by all approaching traffic. The truck tractor semi-trailer must be lighted in accordance with Florida Statutes and have at least one 360 degree amber warning light located on the top of the truck tractor, visible from front, rear, and sides. When traveling empty, it is acceptable to load Eextra axles and stingers may be hauled on the trailer onto the associated trailer to reduce overall dimensions for safety purposes.~~

~~(c) Semi-trailers greater than 53 feet up to but not exceeding 57 feet 6 inches in length may haul with no overhang of load in a truck trailer combination hauling a divisible load when operating in a truck tractor semi-trailer combination with a valid may obtain a trip or multi-trip permit when the criteria of Rule 14-26.0051, F.A.C., are met.~~

(d) Truck tractor semi-trailer combinations hauling automobiles/boats may obtain a trip or multi-trip permit when the semi-trailer is greater than 50 feet up to 53 feet with an overall length not to exceed 80 feet inclusive of any overhang. This applies to both stinger and non-stinger steered vehicles.

(e) Straight truck and trailer combinations hauling automobiles/boat may obtain a trip or multi-trip permit when the trailer exceeds 28 feet with an overall length not to exceed 80 feet. No overhang is allowed.

(f) Trip or multi-trip permits will be issued to truck tractor semi-trailers combinations may obtain a trip or multi-trip permit to deviate from inner-bridge requirements when traveling on interstate highways and when the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met. These vehicles are not allowed to exceed the external bridge or The vehicle must comply with all outer bridge and axle weight limitations described in Section 316. 535, F.S requirements.

~~(10) Proceeding through Weigh Station. Escort vehicles in the process of escorting a permitted vehicle or load must proceed through weigh stations and must not bypass such stations.~~

~~(13)(14) Wrecker Permits.~~

(a) When the combined weight of the wrecker and disabled vehicle being towed exceeds the maximum weight limits established by Section 316.535, F.S., the wrecker must be operating under a ~~current~~ wrecker ~~special use permit or permits~~ as provided in Section 316.55(4), F.S. Florida Statutes.

(b) Escort requirements, ~~if any~~, for towing disabled permitted vehicles shall be as prescribed in the original permit or amendment thereto for the towed vehicle.

(c) It is the responsibility of the wrecker operator to secure permits necessary to cover the attached load ~~when otherwise required.~~

(d) In all instances where legal weight is exceeded, all available brakes on the towed vehicle will be functional and in operation at all times while being towed actuated.

(e) An illegally loaded vehicle shall not become legal by being attached to a permitted wrecker. A legally permitted wrecker shall not cause an illegally loaded vehicle to become legal by attaching to it.

(f) The combined gross vehicle weight of the wrecker and towed vehicle shall Blanket permits shall be issued, when the criteria of Rule 14-26.0051, F.A.C., are met, for weights not to exceed 132,000 pounds and lengths not to exceed 120 feet.

(g) The combined weight or length of the wrecker and the towed disabled vehicle) shall not exceed 120 feet.

(h) The permitted vehicle combination must be operated with attached map(s) showing acceptable routes for specific axle and vehicle configurations.

(i)(g) Trip permits shall be issued, Wwhen the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met trip permits shall be issued, if the specific vehicle information concerning

number of axles, axle spacing, axle weights and specified route of travel are provided for the combination and vehicle weight (wrecker and disabled vehicle is provided.

Rulemaking Specific Authority 316.515, 316.550, 334.044(2) FS. Law Implemented 316.550, 334.044(27) FS. History–New 8-26-82, Amended 12-6-83, Formerly 14-26.12, Amended 9-15-87, 5-2-90, 7-21-91, 6-23-96, 11-10-98,_____.

14-26.013 Permits to Move Buildings.

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History–New 8-26-82, Formerly 14-26.13, Amended 7-21-91, 6-23-96, Repealed_____.

14-26.01311 Permits to Move Sealed Containerized Loads.

(1) Definitions. For the purposes of this rule:

(a) In accordance with Section 316.302(4), F.S., “Hazardous waste” or “hazardous materials” means are those as defined in Title 49, C.F.R., Part 171, Subpart A, Sec.171.8.

(b) A “Sealed Containerized Load” means is a freight container as defined by the International Standards Organization, Series 1, Freight Containers – Classification, dimensions and ratings, ISO668-1988 [E], which freight container may or may not have wheels.

(c) “Destination point” means is the location where the packer’s seal or U.S. Customs’ seal is broken.

(d) “Point of origin” means is the location where the packer’s seal is affixed.

(2) General. The Department shall treat a Sealed containerized loads load being moved via a truck or trucks and rail in conjunction with a maritime shipment will be considered, as a “nondivisible” load, eligible for an overweight or overdimensional permit, when the following conditions are met:

(a) The sealed containerized load container does not transport hazardous waste or hazardous materials which require placarding per Title 49, C.F.R., Part 172, Subpart F, as required by Section 316.302, F.S.,; and Hazardous materials meeting these packaging exceptions will be eligible for overweight permits; and

(b) The sealed containerized load container is being moved by a vehicle qualified to do so under the provisions of this rule:

1. From a maritime port to the destination point; or
2. From a maritime port to a railroad facility for movement to the destination point; or
3. From the point of origin to a maritime port; or
4. From the point of origin to a railroad facility for movement to a maritime port; and

(c) The sealed containerized load container retains the original unbroken seal or a replacement U. S. Customs’ seal throughout its transit until reaching its destination point of destination.

~~(3)~~ Unless at least one of the conditions in ~~(2)(b)~~ above is met, no sealed containerized load movements will be permitted under this rule for overweight loads moved by truck or truck and rail from one point to another within the state or from a point within the state to a point in another state.

~~(3)(4)~~ Required On-Board Documents.

(a) The operators of vehicles transporting sealed containerized loads ~~by under the provisions of~~ permits issued pursuant to this rule shall at all times have on board at least one of the following documents under their control and available for inspection ~~at least one of the following documents~~:

1. A short form master bill of lading;
2. A copy of an electronically transmitted way bill; or
3. A completed U.S. Customs Service Authority to move (Form 75-12) valid for the permitted load.

(b) The document(s) ~~in (a) required in Section 14-26.01311(3)~~ shall include the following readily identifiable information:

1. Consignor;
2. Point of origin;
3. Consignee;
4. Point of destination; and

5. Either the number of the packer's cargo seal or the number of the U.S. Customs seal; and

6. A statement that the load being transported does not contain any hazardous material or that any hazardous material is packaged as provided in 49 C.F.R. Part 172.101 Hazardous Material Table as defined in Section 14-26.01311(1)(a).

(c) The document(s) ~~in (a) required in Section 14-26.01311(3)(a)~~ shall be in the form of a hard copy having a signature on each document ~~authenticating the document or a certification signed and dated or by an authorized agent of the permit holder stating that the attached documents are authentic. The required document(s) may be either originals or copies. Original documents shall bear original signatures and copies shall bear original signatures unless they bear a copy of a signature made before copying.~~

~~(4)(5)~~ No Straight Trucks. Because of the nature of the load to be carried and the potential for increased wear to the highway from vehicles so loaded, no straight truck, as defined in Section 316.003(70), F.S., shall be eligible for a permit to haul sealed containerized loads ~~be issued pursuant to this rule.~~

~~(5)(6)~~ Trip or Multi-Trip Permits. When applying for ordering a trip or multi-trip permit to transport sealed containerized loads, the hauler must furnish all relevant details on the proposed move to the Department's Permits Section. At a minimum, this shall include:

- (a) Maximum gross weight;
- (b) Axle spacing (center to center of each axle);

(c) The total number of axles and total weight on each axle of the vehicle/vehicle combination;

~~(d)(e)~~ The origin and destination of the highway move (for trip permits), specifying intersections at which the vehicle will enter and leave the State Highway System;

~~(e)(d)~~ Either the number of the packer's cargo seal or the number of the U.S. Customs' seal; ~~and~~

~~(f)(e)~~ The State highway(s) requested to be traveled (for trip permits); and

~~(f)~~ An affidavit providing:

~~(g)1.~~ A reasonable description of the contents of the sealed containerized load to be moved, ~~under the requested trip permit;~~

2. A statement that movements under the requested trip permit will not contain any hazardous material as defined in ~~(1)(a)~~ of this rule; and

3. A statement that the sealed containerized loads to be moved under the requested trip permit will involve domestic maritime movements, international maritime movements or both;

~~(7)~~ Multi Trip Permits. When requesting a multi trip permit, the applicant shall furnish the following details on the proposed move:

~~(b)~~ The axle spacing from center to center of each axle of vehicles to be utilized under the requested blanket permit. ~~(a)~~ The maximum gross vehicle weight (GVW) of the vehicle and load to be transported under the requested multi-trip permit; and

~~(c)~~ An affidavit providing:

1. A reasonable description of the probable cargo uses to be made of the sealed containers to be moved under the requested blanket permit;

2. A statement that movements under the requested trip permit will not contain any hazardous material as defined in ~~(1)(a)~~ of this rule; and

3. A statement that the sealed containerized loads to be moved under the requested trip permit will involve domestic maritime movements, international maritime movements or both;

~~(8)~~ Allowable Axle Weights. The gross weight imposed on the highway by the wheels of any axle of a vehicle operating under a permit issued pursuant to this rule shall not exceed the legal limit for the type of axle configuration being assessed as provided in Section 316.535, Florida Statutes.

~~(6)(9)~~ Overall Gross Vehicle Weight. Vehicles operating under a permit issued pursuant to this rule shall not exceed an overall gross vehicle weight (GVW) of 95,000 pounds.

~~(7)(10)~~ Axle Spacings. All vehicles operating under a permit issued pursuant to this rule shall meet the minimum axle spacing requirements described in the permit, ~~dictated by structural analyses of the bridge structures to be involved.~~

~~(8)(H)~~ Number of Axles. All vehicles operating under a permit issued pursuant to this rule shall have a minimum of five ~~full time~~, load-bearing axles in operation at all times during movement.

~~(9)(I2)~~ Outer Bridge Length. All vehicles operating under a permit issued pursuant to this rule shall have an outer bridge length of 51 feet or greater ~~(the outer bridge length is described in Section 316.535(3), Florida Statutes, as being the distance between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot).~~

~~(13) The provisions of Rules 14-26.005 and 14-26.0051 shall not apply to permits to move sealed containerized loads.~~

~~Rulemaking Specific Authority 120.53(1)(b), 316.550, 334.044(2) FS. Law Implemented 316.535, 316.550, 334.044(27) FS. History—New 9-14-93, Amended 6-23-96,_____.~~

14-26.014 Non-Compliance.

(1)(a) Suspension or revocation of permits.

(b) The Department, for good cause, will ~~may~~ suspend for a specified period of time or revoke a multi-trip blanket permit or a trip permit. Good cause shall include ~~includes~~, but is not limited to, circumstances as follows the following:

1. The permittee fails to comply with the regulations of this rule chapter or the requirements of Florida Statutes.
2. ~~The permittee~~ The Department determines that has submitted a false, deceptive, or fraudulent permit application.
3. The permittee fails to comply with the terms of the permit.
4. The permittee travels on other than approved routes.
5. The permittee fails to submit a list of specified routes over which the load can or cannot travel, when required.
6. The permittee fails to pay fees/penalties owed to the Department or its agent(s).
7. The company has been placed out-of-service based upon a compliance review performed by Motor Carrier Compliance.
8. The Department determines that continued operation under an existing valid permit poses a safety issue for state owned bridges or roadways.

~~(b) Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

(2)(a) Denial of future permits.

(b) In addition to a suspension or revocation of a current permit for good cause as set forth in subsection (1) of this rule, the Department, for good cause, as defined by paragraph (1)(a) of this rule, will deny issuance of future permits as follows:

VIOLATION	PERMIT DENIAL PERIOD
<u>(a) First</u>	Written warning
<u>(b) Second</u>	30 Days
<u>(c) Third</u>	90 Days
<u>(d) Fourth</u>	12 Months

~~(b) The Applicant shall be informed by written notice that the Department intends to deny the application for permit(s). Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

~~Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 120.569, 120.57, 120.60, 316.550 FS. History—New 8-26-82, Amended 12-6-82, 3-18-84, Formerly 14-26.14, Amended 9-15-87, 4-22-92, 6-23-96, 1-17-99,_____.~~

14-26.015 Penalties.

(1) Any vehicle in violation of any permit criteria, or operating without a permit where one is required, will be required to correct all offending irregularities or obtain a new permit based on the vehicle's actual load prior to release of the vehicle. Additionally, the following penalties for violation of permit requirements will apply:

~~(a) A vehicle operated WITH a special permit that has been FORGED or ALTERED shall be reported to the appropriate State Attorney's Office for filing of criminal charges as a prerogative of the said State Attorney.~~

(a)(b) An oversize or overweight vehicle eligible for a special permit but is being operated without a WITHOUT such permit will have penalties assessed in accordance with Section 316.545, F.S., for overweight vehicles and Section 316.515, F.S., for overdimensional vehicles.:

1. ~~For overweight vehicles, the penalties as provided in Section 316.545, F.S.~~
2. ~~For vehicles which exceed the dimensional criteria of Section 316.515, F.S., the penalties as provided in Section 316.516, F.S.~~
3. ~~Where both overweight and overdimensional violations occur, both overweight and overdimensional penalties shall apply.~~
4. ~~Prior to release of the vehicle, the driver shall either correct all offending irregularities or obtain a special permit in accordance with Section 316.550, F.S.~~

(e) An oversize or overweight vehicle not eligible for a permit. Penalties prescribed in paragraph (1)(b) shall apply, but the cited vehicle shall be detained until the load is modified or can be moved safely, as determined by the enforcement officer or Department weight inspector, as provided in Section 316.545(10), F.S.

(b)(d) A ~~v~~Vehicle operated with WITH a valid special permit which exceeds the weight criteria EXCEEDS WEIGHT CRITERIA contained in the permit, will be assessed a the penalty for every per pound or portion thereof exceeding the permitted weight as provided in Section 316.545, F.S. Florida Statutes.

(c)(e) A ~~v~~Vehicle operated with WITH a valid special permit which exceeds the dimensional criteria EXCEEDS DIMENSIONAL CRITERIA contained in the permit, will be assessed a penalty for every foot or portion thereof exceeding to the extent that the violation exceeds the permitted dimension, as provided in Section 316.516, F.S., except that the total penalty for the vehicle shall not exceed \$1,000.00, as provided in Section 316.550(9)(b), F.S. Florida Statutes

(d)(f) A ~~v~~Vehicle operated with WITH a valid special permit which vehicle violates an operational or safety provision VIOLATES AN OPERATIONAL OR SAFETY STIPULATION OR PROVISION contained in the permit, will be assessed a penalty of \$100.00 per safety violation (lights, flags, signs, etc.) and \$250.00 per absent escort as provided below, except that the total penalty for the vehicle shall not exceed \$1,000.00, as provided in Section 316.550(9)(e), F.S.:

1. Per safety stipulation (lights, flags, signs, etc.) violation: \$100.00.
2. Per absent escort: \$250.00.
3. The cited vehicle shall be detained until the qualified or law enforcement escort(s) required by the permit is provided at owner's expense and responsibility.

(e)(g) A ~~v~~Vehicle operated with WITH a valid special permit which violates daytime, nighttime, or restricted hours of travel VIOLATES DAYTIME restrictions shown on the permit; which violates weekend and holiday travel WEEKEND and HOLIDAYS restrictions shown on the permit; or which vehicle which violates the PROHIBITION AGAINST MOVEMENT DURING PERIODS OF POOR VISIBILITY: restrictions against movement during periods of poor visibility will be

1. ~~a~~Assessed a penalty of \$1,000.00; and the
2. ~~v~~Vehicle will be parked at owner's expense and responsibility until the next authorized travel period.

(h) Vehicle operated WITH a valid special permit which vehicle VIOLATES OUTER BRIDGE DIMENSION because the outer bridge dimension is less than the minimum specified on the permit and the permit has not been declared null and void under Rule 14-26.015(2)(i), F.A.C.:

1. One foot or any portion thereof: $0.20 \times \$0.05/\text{lb} \times$ (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.);

2. Two feet or any portion thereof: $0.40 \times \$0.05/\text{lb} \times$ (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.);

3. Three feet or any portion thereof: $0.60 \times \$0.05/\text{lb} \times$ ((actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.);

4. Four feet or any portion thereof: $0.80 \times \$0.05/\text{lb} \times$ (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.);

5. Five feet or more: $\$.05/\text{lb} \times$ (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.);

(i) Vehicle operated WITH a special permit BUT which permit has been declared to be NULL AND VOID under Section 14-26.015(2), F.A.C.:

1. Penalties will be assessed based upon those dimensions and weights which, respectively, exceed the limits established in Sections 316.515 and 316.535, F.S.

2. For weight category violations per Section 14-26.015(1)(d), F.A.C.: As provided in Section 316.545, F.S.

3. For all other violation categories per Sections 14-26.015(1) (a), (b), (c), (e), (f), (g), and (h), F.A.C.: As prescribed per violation but not to exceed the per category limit plus:

4. Total penalty per vehicle. Cumulative for the vehicle. However, such total assessed penalty will not exceed a combined amount equal to:

a. For weight penalty assessments: The amount of the penalty based upon the weight of the vehicle and load as provided in Section 316.535, F.S.; plus

b. For all other penalty assessments: An amount not to exceed \$2,000.

5. Where the cited vehicle is eligible for a permit, penalties shall be in addition to the requirement that the appropriate permit be obtained prior to release of the cited vehicle. Where the cited vehicle/load is not otherwise eligible for a permit, accrued penalty(ies) shall apply and the cited vehicle shall be detained until disposition can be resolved by appropriate authorities.

(2) Null and Void Criteria. Any vehicle found to be operating under one or more of the following conditions shall be determined to be out of conformity with the provisions of the permit, in which case the vehicle is considered to be in non-compliance and the permit will be declared to be null and void for that vehicle for that trip. Penalties will be assessed as provided in Sections 316.516 and 316.545, F.S., and the vehicle must remain until the load is brought into compliance.

(a) The vehicle does not have the required number of axles. Penalty to be assessed for the weight only.

(b) The vehicle has an expired blanket permit (lapsed for less than 30 days). Penalty to be assessed for both weight and size.

(c) The vehicle is not on the route designated on the permit or on an approved route on the multi-trip permit attachments. Penalty to be assessed for both weight and size.

(d) The vehicle is a self-propelled truck crane towing a motor vehicle that exceeds the 5,000 pound limit allowed in Section 316.550, F.S. Penalty to be assessed for weight only.

(e) The vehicle is operating with a permit which has been altered or forged. Penalty to be assessed for both weight and size.

(f) The vehicle is not as represented by the facts on the permit application. Penalty to be assessed for both weight and size. Note: This item will not be utilized. This violation will not be applicable if it duplicates another violation noted non-conforming factor in a specific citation.

(g) The vehicle contains multiple loading (except as allowed per this rule for safety). Penalty to be assessed based upon the nature of the violation (weight or size).

(h) The vehicle was operating during nighttime hours when not allowed by the permit or its attachments but the permit prohibited operations during those hours. Penalty to be assessed for size only.

(i) The tires on the vehicle are smaller than those specified on the permit. Penalty to be assessed for weight only.

(j) The vehicle has an outer-bridge dimension which is less than the minimum specified on the permit and the outer-bridge dimension cannot be adjusted to meet the permit requirements or the difference exceeds five feet. Penalty to be assessed for weight only.

(k) The vehicle is being operated under a multi-trip permit and there is no attached map and list indicating routes over which the load can or cannot travel if the requirement for such map and list is stated on the permit is not accompanied by the attachments described in the permit. Penalty to be assessed based upon the nature of the violation (weight or size).

(l) The vehicle is being operated with a permit which does not meet the definition of expired permit. Penalty to be assessed for both weight and size.

(m) The vehicle bypasses an open weigh station. Penalty to be assessed for both weight and size.

Rulemaking Specific Authority 316.516(4), 334.044(2) FS. Law Implemented 316.516(4), 316.550(6), (8) FS. History--New 6-23-96, Amended 11-10-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Lattner, Director, Office of Maintenance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.223
RULE TITLE: Special Management Meal

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to permit the placement of inmates on close or maximum management status on the special management meal as a result of intentional, unauthorized exposure of genitalia to staff.

SUMMARY: The proposed rule permits the placement of an inmate on close or maximum management status on the special management meal if the inmate intentionally exposes genitalia to staff without authorization.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. 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: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.223 Special Management Meal.

(1) through (2) No change.

(3) Inmates in any confinement status may be placed on the special management meal for creating a security problem by any of the following acts:

(a) The throwing or misuse of food, beverage, food utensils, food tray, or human waste products; ~~or spitting at staff;~~

(b) Spitting at staff;

~~(c)~~(b) The destruction of food trays or utensils;

~~(d)~~(e) Any other acts of violence that would place staff in jeopardy if a serving tray or utensils were provided.

(4) Inmates on close or maximum management status may be placed on the special management meal as a result of intentional, unauthorized exposure of genitalia to staff.

(4) through (8) renumbered (5) through (9) No change.

Rulemaking Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-12-88, Amended 3-4-92, 5-27-97, 11-25-98, Formerly 33-3.0085, Amended 8-1-00, 1-2-02, 11-3-03, 2-18-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Redd, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-1.607 Permit Processing Fee

PURPOSE AND EFFECT: The rulemaking is intended to set forth the permit fees for applicants electing to apply for a 20 year water use permits as being proposed in related rulemaking in Chapter 40D-2, F.A.C.

SUMMARY: The proposed amendments set forth the permit fees for new, renewal and modifications of Individual, General and Small General Permits for 20 year water use permits and permits for greater and less than 20 years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ken Weber, Water Use Permitting Program Director, Strategic Program Office, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4303

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

(1) through (6) No change.

(7) Water use permit application fees shall be as follows:

- (a) Chapter 40D-2, F.A.C., new individual permit no greater than 10 years permit new \$1,000.00
- (b) Chapter 40D-2, F.A.C., new individual permit no greater than 20 years \$2,000.00
- (c)(b) Chapter 40D-2, F.A.C., renewal individual permit no greater than 10 years permit renewal \$750.00
- (d) Chapter 40D-2, F.A.C., renewal individual permit no greater than 20 years permit renewal \$1,500.00
- (e)(e) Chapter 40D-2, F.A.C., individual permit modification \$300.00
- (f)(d) Chapter 40D-2, F.A.C., individual permit temporary \$200.00
- (g)(e) Chapter 40D-2, F.A.C., new general permit new no greater than 10 years \$250.00
- (h) Chapter 40D-2, F.A.C., new general permit no greater than 20 years \$500.00
- (i)(f) Chapter 40D-2, F.A.C., renewal general permit renewal greater than 10 years \$185.00
- (j) Chapter 40D-2, F.A.C., renewal general permit no greater than 20 years \$370.00
- (k)(g) Chapter 40D-2, F.A.C., general permit modification \$75.00
- (l)(h) Chapter 40D-2, F.A.C., general permit temporary \$50.00
- (m)(i) Chapter 40D-2, F.A.C., new Small General Permit new no greater than 10 years \$50.00
- (n) Chapter 40D-2, F.A.C., new Small General Permit no greater than 20 years Permit new \$100.00
- (o)(j) Chapter 40D-2, F.A.C., renewal Small General renewal Permit no greater than 10 years \$35.00
- (p) Chapter 40D-2, F.A.C., renewal Small General Permit no greater than 20 years \$70.00
- (q)(k) Chapter 40D-2, F.A.C., Small General Permit modification \$15.00

(r) Chapter 40D-2, F.A.C., permit fees for those new and renewal permits and modifications to permits that are issued for a duration greater than 20 years shall be equal to the ratio of the number of years granted to 20 years multiplied by the corresponding 20 year permit fee specified above.

(s)(4) For those public supply utilities which are solely wholesale customers of water supplied by another entity and are required to obtain a permit for such activities pursuant to Chapter 40D-2, F.A.C., permit fees shall be one-half of the applicable fee provided in paragraphs (a) through (r)(4) above.

(8) through (11) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08, 12-30-08.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Weber, Water Use Permitting Program Director, Strategic Program Office, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4303

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2008 and February 13, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.301	Conditions for Issuance of Permits
40D-2.321	Duration of Permits
40D-2.322	20 Year Permit Requirements

PURPOSE AND EFFECT: The rulemaking is intended to set forth the conditions to be met to obtain a water use permit with a 20 year duration and eliminates six year permit durations. The proposed amendments also set forth the conditions under which a 10 year duration will be issued and those conditions for which permit durations for greater or less than 10 years or 20 years is appropriate. In addition, the rulemaking is intended to set forth environmental resource permitting requirements for issuance of a water use permit for multi-phase projects that require both a water use permit and an environmental resource permit.

SUMMARY: The proposed amendments are to the District’s water use permitting rules in Chapter 40D-2, F.A.C., and Part B, Basis of Review For Water Use Permit Applications, of the

Water Use Permit Information Manual regarding the standards that must be met if an applicant elects to apply for a water use permit with a duration of 20 years, and also addresses durations for permits that do not meet the criteria for a 20 year permit. Small General permits will be issued with a 20 year duration. General or Individual permits applicants may elect to request a permit with up to a 20 year permit duration the applicant elects to demonstrate or commit to development of alternative water supplies; or a per capita water use rate of 110 gallons or less; or exceptional implementation of reclaimed water; or an approved FARMS system and meets other conditions; and if there are any pre-existing adverse impacts resulting from the permittee’s existing permit being addressed through a mitigation plan that includes a minimum flow and level recovery strategy the impacts must be eliminated by the tenth year of the permit. The proposed rules describe when permit compliance reports are required and the information to be reported for 20 year permits. Agricultural permits issued for 20 year permits will be required to submit documentation confirming property ownership and water use activities as specified in the permit. The proposed rules also eliminate six year duration permits so that longer durations of 10 or 20 years are issued instead subject to environmental or other considerations. Finally, the rulemaking sets forth environmental resource permitting requirements for issuance of a water use permit for multi-phase projects that require both a water use permit and an environmental resource permit. The rulemaking specifies that phosphate mining projects are not required to have a complete environmental resource permit application prior to the issuance of a water use permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.103, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.236, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ken Weber, Water Use Permitting Program Director, Strategic Program Office, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4303

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) Water Use Permit Information Manual Part B, "Basis of Review" (____ 07-01-09);
- (2) through (3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09,_____.

40D-2.301 Conditions for Issuance of Permits.

(1) In order to obtain a Water Use Permit, an Applicant must demonstrate that the water use is reasonable and beneficial, is consistent with ~~in~~ the public interest, and will not interfere with any existing legal use of water, by providing reasonable assurances, on both an individual and a cumulative basis, that the water use:

- (a) through (n) No change.

(2) For projects that require both an Environmental Resource Permit (ERP) and a Water Use Permit (WUP), an application for an ERP must be deemed complete prior to issuance of the WUP when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands. The applicant may submit an application for a Conceptual ERP to satisfy this requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface water management system can be calculated. Otherwise, the applicant shall submit an application for an Individual or General ERP. Phosphate mining projects are not required to have complete ERPs prior to WUP issuance. If the District determines that a permit application involves an area where there are the Water Use Permit may not be granted because of water resource problems and due to the quantity, type or location of the proposed withdrawal it is unlikely that a water use permit will be issued, the requirement for a complete ERP permit application shall may be waived by the District. Where such waivers are granted, and if a WUP the Water Use Permit is issued, it shall specify that a well construction permit will not be issued and that withdrawals cannot commence until the appropriate ERP District surface water permit is issued.

- (3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229 FS. History–Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111, Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, 4-14-02, 1-1-07,_____.

(Substantial rewording of Rule 40D-2.321 follows. See Florida Administrative Code for present text.)

40D-2.321 Duration of Permits.

(1) When requested by an applicant, a water use permit shall have a duration of 20 years if the applicant provides reasonable assurance that the proposed withdrawals and use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C., there is a demonstrated demand of at least 20 years, that one or more of the criteria in paragraphs (a)-(f) will be met and where mitigation measures are proposed by the applicant (g) is met:

(a) The permit is for the development of an Alternative Water Supply. A longer duration shall be granted where the permittee demonstrates a longer duration is required by the bonding authority for the retirement of bonds issued for the construction of the project and the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, and that there is a demonstrated demand for the requested duration.

(b) The applicant demonstrates that at least 75 percent of their total annual average water needs will be met using an Alternative Water Supply or Supplies by the tenth year of the permit.

(c) The applicant demonstrates that it has achieved and will maintain a compliance per capita rate of less than 110 gallons per day per person, or will achieve such per capita by the tenth year of the permit. For regional water supply authorities, the per capita rate requirements shall refer to the weighted average compliance per capita rate of the member governments.

(d) The applicant demonstrates for its system-wide use of reclaimed water including imports and exports that it will beneficially reuse at least 75 percent of its treated domestic waste water, and at least 75% of that quantity will offset existing and planned water supplies by the tenth year of the permit. The term offset means the amount of traditional, potable quality water supplies that will be replaced by reclaimed water, expressed as an annual average in MGD.

(e) The applicant demonstrates that the project meets the Conditions of Eligibility of the Facilitating Agricultural Resource Management System (FARMS) program as specified in Rule 40D-26.101, F.A.C. and has an approved Facilitating Agricultural Resource Management System (FARMS) application and, by the tenth year of the permit, demonstrates

that it will develop an Alternative Water Supply or Supplies that offset a minimum of 50 percent of the applicant's current fresh or brackish water supply.

(f) The permit to be issued is a Small General.

(g) Any pre-existing adverse impacts resulting from the permittee's existing permit being addressed through a mitigation plan that includes a minimum flow and level recovery strategy must be eliminated by the tenth year of the permit.

(2) Permits that do not qualify for a 20 year permit duration pursuant to subsection 40D-2.321(1) above, shall have a duration of 10 years provided the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, and that there is a demonstrated demand of at least 10 years.

(3) When an applicant fails to provide reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, for a 10 year permit duration, a permit may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided.

(4) Permits with a duration greater than 10 but less than 20 years as provided in subsection (2) above shall be granted based upon facts presented by an applicant.

(5) The District is authorized to issue permits for a period up to 50 years in accordance with Section 373.236(3), F.S.

(6) Permits based upon non-renewable leases less than 10 years shall be granted for 10 years. If the permitted water use activity ceases for more than 2 years the permit shall be subject to revocation unless documentation is provided indicating that use will recommence within the next year. Permits based upon non-renewable leases greater than 10 years or with renewable leases will be issued under the provisions of this Rule 40D-2.321, F.A.C., with a permit condition requiring submittal of a new or a renewed lease in order for the permit to remain in force.

(7) Permits that are modified prior to renewal will maintain the original expiration date unless the applicant requests the modification be deemed by the District to be substantial as described in the Basis of Review Section 1.12, and treated as a renewal with modification. If the District determines that the criteria of Basis of Review Section 1.12 are met, the application shall be processed as a renewal application with modification.

(8) Subject to the limitations on groundwater allocations explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review ("the Provisions"), within

the portion of the Central Florida Coordination Area that does not lie within the Southern Water Use Caution Area the maximum permit duration for a Public Supply Utility or Similar Applicant proposing to withdraw groundwater shall be limited to December 31, 2013, unless the applicant will satisfy the requirements of B.2.a. or b., of the Provisions. If the applicant satisfies the requirements of B.2.a., or b., the permit duration shall be up to 20 years.

Rulemaking Specific Authority 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, 1-1-03, 1-1-07, 2-13-08, 12-30-08, _____.

40D-2.322 20 Year Permit Requirements.

(1) This Rule 40D-2.322, F.A.C., shall apply to new and renewal permits issued after [effective date of rule] and permits that are substantially modified after [effective date of rule].

(2) Except for permits issued pursuant to Section 373.236(6), F.S., where necessary to maintain reasonable assurance that the conditions for issuance of a 20 year permit or greater continue to be met during the term of a General or Individual permit, the District will require the permittee to submit a compliance report at year 10 and 15. Compliance reports shall be submitted every 5 years for permits issued pursuant to Section 373.236(6), F.S. The report shall contain sufficient information to provide reasonable assurance that the permittee's use of water will continue, for the remaining duration of the permit, to meet the conditions for permit issuance set forth in the existing District rules. In providing such reasonable assurance, the compliance report must, at a minimum, include all information specifically required by the compliance report condition(s) on the permit. The District shall take action on compliance reports only in cases where the District finds that the report indicates that the conditions for issuance are not continuing to be met. In those cases, the District shall modify the permit as necessary to ensure that the use of water authorized by the permit will continue to meet the conditions for permit issuance set forth in District rules. Only in those cases shall the District provide notice of intent to modify the permit as required by Sections 120.569 and 120.60, F.S., and Rule 40D-1.1010, F.A.C., which allows the permittee or substantially affected persons to petition for a hearing on the proposed action.

(3) For 20 year General and Individual Public Supply Permits, if the actual population growth in the tenth year of the permit is less than 90 percent of what was predicted for the preceding 10 year period, the permitted quantities shall be reduced consistent with the actual growth rate experienced unless the projected population for the final year of the permit has not changed by more than 10% based on the District's BEBR medium based GIS model or equivalent methodology or non-population based factors such as large industrial or other uses are demonstrated to require the allocated quantity.

(4) Where data indicate adverse impacts to environmental or other water resources, offsite land use or a legal existing use, non-compliance with a minimum flow or level or associated recovery or prevention strategy, or interference with a reservation, or where data indicate the impacts predicted at the time of permit issuance were underestimated to the degree that the previous analysis is inadequate, an updated ground-water modeling analysis and data analysis shall be required to address compliance with conditions for issuance.

(5) Permits that are issued for 20 year duration based on meeting the requirements set forth in paragraph 40D-2.321(1)(b), (c), (d) or (e), F.A.C., within 10 years shall include a timeline of activities proposed to result in achieving these requirements, and progress reports. If these requirements are not achieved within 10 years, the permit duration shall revert to the applicable duration provided in Rule 40D-2.321, F.A.C., unless this reversion would result in the permit having expired or less than a year of remaining duration. In such cases, the permit will expire one year following the final determination of non-achievement and will be limited to a permitted quantity that equals an additional two years future demand beyond current demand, as determined pursuant to section 3.0 of Part B, Basis of Review, of the Water Use Permit Information Manual incorporated by reference in Rule 40D-2.091, F.A.C., from the point of final determination of non-achievement.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History--New

WATER USE PERMIT INFORMATION MANUAL
PART B, BASIS OF REVIEW
Incorporated by Reference in Rule 40D-2.091, F.A.C.

1.0 PERMITTING PROCEDURES

1.1 through 1.8 No change.

1.9 PERMIT DURATION

Revised 8-23-07, 2-13-08, 12-30-08, Repealed _____.

1.9.9 through 1.14 No change.

2.0 ADMINISTRATIVE CONSIDERATIONS

This section describes administrative requirements which may apply to certain water users. All water users must demonstrate legal control over the property and activities for which they are requesting a permit. Certain water users may be required to comply with other requirements described in this section.

2.1 CONTROL OF PROPERTY AND ACTIVITIES

Paragraphs 1.-5. No change.

6. As specified in the permit, agricultural permittees shall periodically submit written documentation confirming property ownership and that the permitted water use activities are consistent with the approved permit.

2.2 WATER USE INTEGRATED WITH A SURFACE WATER MANAGEMENT SYSTEM

1. For projects that require both an Environmental Resource Permit (ERP) and a Water Use Permit, an application for an ERP must be deemed complete prior to issuance of the Water Use Permit when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands from other sources. The applicant may submit an application for a Conceptual ERP to satisfy this requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface water management system can be calculated. Otherwise, the applicant must submit an application for an Individual or General ERP. Phosphate mining projects are not required to have complete ERPs prior to WUP issuance. For projects which require both a water use permit and a surface water management permit, the Water Use Permit Application will not be deemed complete until the Surface Water Management Permit Application required by District rules is deemed complete. This requirement is based on the fact that design changes may occur during the Surface Water Permit evaluation process which may impact the water use aspects of the project. The impact of withdrawals on the Applicant's existing or conceptually permitted surface water management system must be evaluated and submitted with the Water Use Permit Application. This evaluation shall include an assessment of the impacts of withdrawals and discharges on the surface water management system design in terms of percolation rates, storage volumes, and design discharge, etc.

2. If the District determines that a permit application involves an area where there are the Water Use Permit may not be granted because of water resource problems, and due to quantity, type or location of the proposed withdrawal it is unlikely that a water use permit will be issued, the requirement for a complete ERP surface water permit application shall may be waived by the District. Where such waivers are granted, and if a the Water Use Permit is issued, it shall specify that a well construction permit will not be issued and withdrawals cannot commence until the appropriate District ERP surface water management permit is issued.

3. Where a project requires a complete ERP pursuant to subsection 40D-2.302(2), F.A.C., and Basis of Review Section 2.2.1, the permittee shall be required to re-evaluate water demands and sources at the submittal of any General or Individual ERP applications pertaining to the project. If the re-evaluation indicates sources or demands have changed from those presented in the original application, or that required water conservation elements have not been achieved, the water use permit shall be modified, to take into account the updated information, provided, however, that the water use shall continue to meet all conditions for issuance of a water use permit.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Ken Weber, Water Use Permitting Program Director, Strategic Program Office, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4303
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009
 DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2008, December 12, 2008, February 13, 2009, August 14, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-3.037 Rules, Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate by reference a revised Appendix dated July 2009 to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District. The revised Appendix adds the Alaric Area Groundwater Plume, Helena Chemical Company and Stauffer Chemical Company Combined Superfund Sites, located in Hillsborough County, to the list of Superfund sites to be addressed by the Agreement.

SUMMARY: In 2008, the District entered into a Memorandum of Agreement (MOA) with the U.S. Environmental Protection Agency, Region IV, Superfund Division, which outlines a cooperative relationship and protocol for sharing information when the District is reviewing permit applications for activity near selected Superfund sites. The MOA enables each agency to implement their respective regulatory practices in a manner that best minimizes the potential for ground water contamination impacts in areas that are or could be affected by a Superfund site. The District anticipates that this will occur most often in the context of reviewing applications for well construction permits. Information concerning groundwater contamination plumes and buffer areas for the selected sites will be developed by EPA and provided to the District which will make it available to the public on the District's website. Persons interested in applying for District permits for activities located near the selected sites will be able to view the affected areas and thereby avoid activities that could potentially cause contaminants to spread. The proposed rule amendment will incorporate by reference a revised MOA appendix listing the affected sites, which will include the Alaric Area Groundwater Plume, Helena Chemical Company and Stauffer Chemical Company Combined Superfund Site located in Hillsborough County.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.046, 373.103, 373.308, 373.309, 373.324, 373.333 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: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.037 Rules, Publications and Agreements Incorporated by Reference.

(1) through (3) No change.

(4) The Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District (August 2008) and Appendix I dated July 2009 is incorporated by reference.

Rulemaking Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.103, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History—New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, 8-19-08, 1-5-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.: RULE TITLES:
 61B-19.001 Filing Education and Training Programs
 61B-19.002 Required Information

PURPOSE AND EFFECT: These rules are created to implement a change in the condominium law requiring the division to review and approve condominium education and training programs.

SUMMARY: These rules provide parameters for reviewing education and training programs filed by education providers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.501(1)(j) 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: September 21, 2009, 10:30 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

Education Programs COMPLAINTS

61B-19.001 Filing Education and Training Programs.

(1) Anyone seeking to be considered as a Condominium Education Provider ("provider") and have their Condominium Education Program ("program") listed on the department's website may file the education materials ("materials") that make up the program with the division for consideration as part of the division's list of approved programs and providers.

(2) All materials must be submitted to the division via electronic media in CD ROM format to the following address:

Division of Florida Condominiums, Timeshares, and Mobile Homes
Bureau of Compliance
1940 North Monroe Street
Tallahassee, FL 32399-1030

(3) The division shall have 45 days from receipt of the materials to review and either cite deficiencies in the materials or approve the materials. If approved, the department will list the provider and program on the department's website as part of the list of approved programs and providers. If the division does not approve the materials or issues a notice of deficiency within 45 days from the date such materials were received by the division then the materials are deemed approved.

(4) The provider shall have 45 days from receipt to respond to a notice of deficiency. If the provider fails to respond in the required timeframe, the request shall expire and be rejected.

(5) The division shall have 20 days to review deficiency corrections submitted by providers. If the division has not approved the materials or issued a notice of deficiency within 20 days from date such corrections or responses were received by the division then the materials are deemed approved.

(6) Approved materials may be provided via web-based training programs, seminars, or printed media.

(7) The division will maintain a list of all approved programs and providers on the Department of Business and Professional Regulation's website at <http://www.myflorida.com/dbpr/lsc/index.html>.

Rulemaking Authority 718.501(1)(f) FS. Law Implemented 718.501(1)(j) FS. History--New _____.

61B-19.002 Required Information.

(1) Providers shall include the following information regarding their education programs:

(a) A price list for the programs and a copy of all materials.

(b) The physical locations where programs will be available, if not web-based.

(c) Dates when programs will be offered.

(2) Programs shall communicate information about:

(a) Budgets;

(b) Reserves;

(c) Elections;

(d) Financial reporting;

(e) Condominium operations;

(f) Records maintenance, including unit owner access to records; or,

(g) Dispute resolution.

(3) Programs and materials shall not contain editorial comments.

(4) The division reserves the right to require changes to education and training programs.

Rulemaking Authority 718.501(1)(f) FS. Law Implemented 718.501(1)(j) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Michael Cochran, Director, Division of Florida
 Condominiums, Timeshares, and Mobile Homes, 1940 North
 Monroe Street, Tallahassee, Florida 32399-1030
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Charles W. Drago, Secretary, Department
 of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 14, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 24, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

**Division of Florida Condominiums, Timeshares and Mobile
 Homes**

RULE NO.: RULE TITLE:
 61B-80.124 Department Fee

PURPOSE AND EFFECT: This rule provides for the recovery
 of division fees and costs incurred in the implementation of the
 homeowners’ association arbitration program.

SUMMARY: This rule addresses the alternative dispute
 resolution program administered by the Division of Florida
 Condominiums, Timeshares, and Mobile Homes for
 homeowner association election and recall disputes.

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COSTS: No Statement of Estimated
 Regulatory Cost was prepared.

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: 720.311 FS.

LAW IMPLEMENTED: 720.311 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: September 21, 2009, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room,
 1940 N. Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities
 Act, any person requiring special accommodations to
 participate in this workshop/meeting is asked to advise the
 agency at least 48 hours before the workshop/meeting by
 contacting: Sharon A. Malloy, Senior Management Analyst II
 at (850)488-1631. 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: Sharon A. Malloy, Senior Management
 Analyst II, Division of Florida Condominiums, Timeshares,
 and Mobile Homes, 1940 North Monroe Street, Tallahassee,
 Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-80.124 Department Fee.

(1) The department fee will be an amount adequate to
 cover all costs and expenses incurred by the department in
 conducting an arbitration proceeding pursuant to Section
 720.311, F.S.

(2) The fee shall be the sum of the following costs:

(a) The sum of the “Labor Cost” for all employees who
 perform work on the case. The “Labor Cost” for an employee
 shall be calculated as follows: [(P x 1.35)/W] x H. Where P =
 the biweekly pay of the lowest pay grade for the employee’s
 position title; 1.35 is a multiplier that takes into account the
 cost of pay and benefits for an employee; W = the biweekly
 contract hours for the employee; and H = hours directly related
 to the arbitration proceeding worked by the employee.

(b) The cost a contractor charges the department for any
 work directly related to the arbitration proceeding.

(c) Other proceeding costs directly related to the
 proceeding. For example direct costs include, but are not
 limited to, travel, long distance charges and photocopy
 expenses.

(3) If the arbitration proceeding involves an election
 dispute, petitioner and respondent shall be charged an equal
 share of the department’s fee. Where the arbitration dispute
 involves a recall dispute, only the association shall be charged
 the department’s fee.

(4) The department will send the party or parties an
 invoice for the department’s fee. The petitioner and respondent
 shall pay the fee within thirty days of the date of the invoice.
 The department’s acceptance of less than full payment by a
 party shall not be considered a waiver of its right to the full
 amount of the fee. The department’s acceptance of the payment
 by one party does not relieve the other party or parties from
 payment of their share of the fee.

(5) The department shall have the right to collect any
 unpaid fee to the fullest extent permitted by the laws of this
 state.

Rulemaking Authority 720.311(1) FS. Law Implemented 720.311(1)
 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Michael Cochran, Director, Division of Florida
 Condominiums, Timeshares, and Mobile Homes, 1940 North
 Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Charles W. Drago, Secretary, Department
 of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: June 5, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-15.019
RULE TITLE: Examiners in Practical Examinations; Criteria for Selection

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: This rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 455.217(1)(b), 476.064(4) FS.

LAW IMPLEMENTED: 455.217(1)(b), 476.134 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-15.019 Examiners in Practical Examinations; Criteria for Selection.

~~(1) Persons selected to conduct practical examinations for licensure as a barber shall hold an active license to practice barbering in Florida, shall have held such active license in Florida for five years immediately preceding selection as an examiner, and shall have been engaged in the active practice of barbering for five years immediately preceding selection as an examiner. Further, each person selected as an examiner shall be in good standing with the Board with no disciplinary violations, including citations, within five years immediately preceding selection as an examiner and shall remain in good standing during the time a person is an examiner.~~

~~(2) Information concerning persons to be selected as examiners and lead examiners shall be submitted to the Board for verification of their qualifications and approval by the Board. Examiners shall be selected by the Department from a pool of Board approved examiners.~~

~~(3) No person may be selected as an examiner who is in any way affiliated with barber supply companies or with barber schools. Professional members of the Board may serve as examiners with consent of the Board. Examiners and Board~~

~~members wishing to conduct examinations shall undergo the necessary training in standardization as established by the Board.~~

~~Rulemaking Specific Authority 455.217(1)(b), 476.064(4) FS. Law Implemented 455.217(1)(b), 476.134 FS. History—New 4-6-82, Formerly 21C-15.19, Amended 7-7-86, 8-31-88, 7-15-91, Formerly 21C-15.019, Amended 12-9-97, Repealed _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.007
RULE TITLE: Examination for Restricted Licensure

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the amended changes to the rule will not have an impact on small businesses.

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

RULEMAKING AUTHORITY: 455.217, 476.064(4), 476.134, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.064(4), 476.134, 476.144 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.007 Examination for Restricted Licensure.

(1) The examination for restricted licensure to practice barbering shall consist of ~~two parts~~, a written exam and a practical exam. Applicants for a restricted license to practice barbering must achieve a passing grade on ~~both portions~~ of the examination to be eligible for a restricted license to practice barbering.

(2) The ~~written portion~~ of the examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida.

~~(3) The practical portion of the examination for restricted licensure shall test the applicant's ability to perform the barbering services authorized by a restricted license to practice barbering. The practical examination for licensure shall have a maximum time limit of 1 1/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair and perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:~~

GRADING AREA	RELATIVE WEIGHT
Haircut	45%
Shampoo	5%
Safety and Sanitation	50%

The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas for comment shall be drawn from the following grading criteria:

(a) Haircut:

1. The top is even and without holes;
2. The top blends with the sides and back;
3. The front outline is even;
4. The haircut is proportional;
5. The sides and the back are without holes or steps;
6. The sides blend with the back;
7. The sideburns are equal in length;
8. The outlines are even;
9. The sideburns, outline, and neckline are clean shaven;
10. The model's skin was not cut or nicked during the haircut;

11. The neckline is properly tapered.

(b) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.

(c) Safety and Sanitation:

1. The candidate used the proper draping for the shampoo;
2. The candidate used the proper protection on the shampoo bowl;
3. The candidate properly stored clean and dirty linen during the shampoo;
4. The candidate washed his or her hands before beginning work on the model;
5. The candidate used the proper draping for the haircut;
6. The candidate properly stored clean and dirty linen during the haircut;

~~7. The candidate placed tools in the sanitizer before and after each use;~~

~~8. The candidate used all tools in a safe manner and without any blood contact during the haircut;~~

~~(4) Failure of the examinee to complete the services required in a particular category tested in the practical examination shall result in the examinee losing the possible points assigned to that area.~~

~~(3)(5) The score necessary to achieve a passing grade on the written portion of the restricted licensure examination shall be no less than seventy-five (75) percent out of one hundred (100) percent of the total possible points on the written examination. The score necessary to achieve a passing grade on the practical portion of the restricted licensure examination shall be no less than seventy five (75) percent (based on the average of the examiners' scores) out of one hundred (100) percent of the total possible points on the practical examination. All examiner's scores will be averaged before any percentages are rounded according to the formula stated below. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.~~

Rulemaking Specific Authority 455.217, 476.064(4), 476.134, 476.144 FS. Law Implemented 455.217, 476.134, 476.144 FS. History--New 11-12-87, Amended 3-22-92, 1-26-93, Formerly 21C-16.007, Amended 9-15-94, 12-9-98, 11-27-02, 4-26-04, 8-1-05,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.008
RULE TITLE: Manner of Application

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the amended changes to the rule will not have an impact on small businesses.

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

RULEMAKING AUTHORITY: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.008 Manner of Application.

Every person desiring to be examined for either full or restricted licensure as a barber shall apply to the Department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Rule 61G3-20.002, F.A.C.

(1) The applicant must present with the application two (2) 2" x 2" photographs taken within the past twelve (12) months and evidence of completion of barber training as defined in Chapter 476, F.S.

(2) ~~Completed applications received later than thirty (30) days prior to the next available practical exam shall automatically be scheduled for the following available practical examination. The Department shall notify the applicant fourteen (14) days prior to the practical examination if the applicant is eligible to take the practical examination. A professional testing service. Qualified outside testing vendor shall notify applicants of their eligibility for a written examination within five (5) working days after receipt of Board notification of the applicant's eligibility.~~

(3) Applicants for an unrestricted license who have completed one thousand (1,000) actual school hours or more but less than one thousand two hundred (1,200) actual school hours are required to have the school or program attended certify on that portion of the application so designated that said applicant has completed the stated number of hours, the required services as established by Rule 61G3-16.001, F.A.C., and is competent to sit for the licensure examination.

Rulemaking Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2228 FS. History—New 11-12-87, Formerly 21C-16.008, Amended 8-11-98, 11-12-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.010 RULE TITLE: Supervised Practice Exception

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the amended changes to the rule will not have an impact on small businesses.

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

RULEMAKING AUTHORITY: 455.217, 476.064(4), 476.124, 476.144(7), 475.184(2), (10) FS.

LAW IMPLEMENTED: 455.217, 476.144(7), 475.184(2), (10) 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.010 Supervised Practice Exception.

(1) Following the completion of ~~both the written and practical portions~~ of the first licensing examination by an applicant for licensure as a barber by examination who has completed the barber training required by Chapter 476, F.S. and Rule 61G3-16.001, F.A.C., the applicant is eligible to practice as a barber and perform barbering services temporarily in a current, actively licensed barbershop under the following conditions:

(a) In the event an applicant obtains a passing scores on the examination on the first attempt of ~~both the written and practical portions of the examination~~, the applicant shall be eligible, prior to having the application acted on by the Board, to practice in a licensed barbershop, provided that the applicant post the examination ~~results for both portions of the examination~~ at the work station with a recent photograph affixed thereto.

(b) In the event that the applicant fails to obtain a passing score on either or both of the written or practical portion of the examination on the first attempt, the applicant shall not be eligible to practice under this rule until the applicant:

1. Applies to the Department for authorization to retake the failed portion(s) of the examination; and

2. Presents the holder of the license for the barbershop a copy of both the reexamination application and the examination scheduling authorization letter from the department or the qualified outside testing vendor.

3. Upon completion of these conditions, the applicant is eligible to practice in a licensed barbershop subject to the provisions of paragraph (c) referenced below, provided that the applicant posts the examination results for both portions of the examination at the work station with a recent photograph affixed thereto. The applicant must discontinue practicing when 180 days have passed from the date the written or practical portion of the first examination was taken, whichever portion was taken earlier, if reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the department or the qualified outside testing vendor.

(c) All barbering services performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber" shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.

(2) In the event an applicant, who previously failed either or both portions of the examination on the first attempt, fails to obtain a passing score on either or both portions of the second licensure examination, the applicant is no longer eligible to practice as a barber under this exception and must immediately discontinue practicing barbering services until the applicant has been issued a license to practice by the Department.

Rulemaking Specific Authority 455.217, 476.064(4), 476.124, 476.144(7), 476.184(2), (10) FS. Law Implemented 455.217, 476.144(7), 476.184(2), (10) FS. History—New 12-9-98, Amended 11-12-00, 12-29-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.:
61G3-20.002

RULE TITLE:
Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the amended changes to the rule will not have an impact on small businesses.

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

RULEMAKING AUTHORITY: 455.213(1), 455.2171, 476.064(4), 476.192 FS.

LAW IMPLEMENTED: 455.2171, 476.192 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.002 Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) The application fee for licensure by means of endorsement or examination and reexamination for barbers shall be as follows:

Method of Licensure:	Application Fee:
(a) Endorsement	The application fee for licensure by endorsement shall be One hundred fifty dollars and, zero cents (\$150.00). All fees shall be payable to the Department.
(b) Examination and Reexamination	

~~1. Practical Portion The application fee for both the examination and reexamination for the practical portion shall be seventy five dollars (\$75.00). All fees shall be payable to the Department.~~

~~2. Written portion The application fee for both the examination and reexamination for the written portion shall be One hundred, fifty dollars and zero cents (\$150.00) seventy five dollars (\$75.00). Sixty one dollars and fifty cents (\$61.50) of both the examination and reexamination application fee for the written portion of the examination shall be paid to the Department and thirteen dollars and fifty cents (\$13.50) shall be paid to the professional testing service.~~

(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

Method of Licensure: Application Fee:
 (a) Examination and Reexamination

~~1. Practical Portion The application fee for both the examination and reexamination for the practical portion shall be seventy five dollars (\$75.00). All fees shall be payable to the Department.~~

~~2. Written Portion The application fee for both the examination and reexamination for the written portion shall be One hundred, fifty dollars and zero cents (\$150.00) seventy five dollars (\$75.00). Seventy dollars and fifty cents (\$70.50) of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and four dollars and fifty cents (\$4.50) shall be paid to the professional testing service.~~

(3) Applicants for licensure as a barber or restricted barber shall pay both the original licensure fee set forth in Rule 61G3-20.014, F.A.C., and the applicable part of the examination or reexamination application fee specified in subsections (1) and (2) above.

(a) All fees payable to the Department shall be paid at the time the applicant submits his or her application for licensure by endorsement, examination or reexamination.

(b) All parts of the examination or reexamination application fee payable to aqualified outside testing vendor professional testing service shall be paid to that service upon notification that the applicant's application for licensure by examination or reexamination has been approved.

(c) In the event that a aqualified outside testing vendor professional testing service is not used for examination or reexamination, all fees shall be paid to the Department.

Rulemaking Specific Authority 455.213(1), 455.2171, 476.064(4), 476.192 FS. Law Implemented 455.2171, 476.192 FS. History—New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, 11-6-00, 2-19-04, 8-8-04, 1-1-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-23.001 Seals Acceptable to the Board

PURPOSE AND EFFECT: To update requirements for the seal.

SUMMARY: The Board proposes to update requirements for the seal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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: 471.008, 471.025 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-23.001 Seals Acceptable to the Board.

(1) Pursuant to Section 471.025, F.S., the Board hereby establishes as indicated below the forms of ~~embossing impression~~ seals which are acceptable to the Board.

(a) Any seal capable of leaving a permanent ink representation or other form of opaque and permanent impression which contains the information described herein is acceptable to the Board.

(b) Said seal shall be a minimum of 1 7/8 inches in diameter and shall be of a design similar to those set forth below. All engineers must be utilizing a seal as illustrated in this rule no later than January 1, 2006.



(c) The type of seal in the center may be used only by registrants who are in good standing under both Chapters 471 and 472, F.S.

(d) The seal may contain an abbreviated form of the licensee's given name or a combination of initials representing the licensee's given name provided the surname listed with the Board appears on the seal and in the signature.

(2) Embossing impression seals which otherwise comply with these provisions and which do not provide an opaque and permanent impression or permanent ink representation are also acceptable to the Board.

Rulemaking Specific Authority 471.008, 471.025 FS. Law Implemented 471.025 FS. History—New 1-8-80, Amended 6-23-80, Formerly 21H-23.01, 21H-23.001, Amended 4-1-97, 2-5-04, 8-8-05, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-502.001
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: To update the provisions relating to obtaining credits relating to domestic violence.

SUMMARY: The department proposes to amend the rule to clarify that the required 2 hours of coursework on domestic violence are to be taken once every six years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has 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: 490.007(2), 490.0085, 490.015 FS.

LAW IMPLEMENTED: 456.013, 490.007(2), 490.0085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-502.001 Continuing Education.

Every applicant for licensure renewal shall complete 30 hours of continuing education credit. ~~Two of the 30 hours must be taken every third period of licensure renewal on domestic violence consistent with Section 456.031, F.S.~~ Two of the 30 hours must be on the prevention of medical errors consistent with Section 456.013, F.S. Every six years, each licensee shall complete two hours of continuing psychological education on domestic violence as defined in Section 741.28, F.S., as a part of and not in addition to the hours required for biennial licensure renewal. The licensee shall retain for six years certificates of attendance or other records to document the completion of the continuing education requirement. The Department will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met.

Rulemaking Specific Authority 490.007(2), 490.0085, 490.015 FS. Law Implemented 456.013, 490.007(2), 490.0085 FS. History—New 4-13-82, Amended 11-27-83, 2-21-85, Formerly 21U-502.01, Amended 12-26-91, 6-24-92, Formerly 21U-502.001, 61E9-502.001, Amended 10-16-01, 10-22-02, 12-26-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Hall
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.,
State Surgeon General
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 12, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 19, 2009

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: 64J-2.019 RULE TITLE: Funding for Verified Trauma Centers
PURPOSE AND EFFECT: This notice is to alert the public that the Office of Trauma is proposing revisions to Rule 64J-2.019, F.A.C., to implement revisions to this rule pursuant to requirement in subsections 318.18 and 395.4036, F.S. enacted in Chapter 2009-138, Laws of Florida (Enrolled HB 481).

SUMMARY: The proposed rule revisions include the following:

Adds another trauma center funding distribution methodology; adds a definition for “public hospital;” revises the definition of “attestation;” adds another attestation requirement, and statutory references to Section 318.18 to implement the 2009 statutory revisions under Section 395.4036, F.S. for the funds collected under Section 318.18(5)(c) and (19), F.S. (Chapter 2009-138, Laws of Florida). Deletes a portion of the definition of “Severe Injury Patient” to remove language regarding ICISS Ps<.90, which became obsolete after December 31, 2007. Technical amendment to correct the section reference of Section 395.4036, F.S., to correct an error in the section number; and technical amendment to correct the date of the Florida Trauma Registry Manual from December 2005 to February 2008 and to correct page number reference.

Technical amendment to add the word “verified” clarify the definition of “certified trauma center,” “verified trauma center” and “trauma center” to mean a Level I, Level II, or Pediatric Verified Trauma Center.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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: 395.4036 FS.

LAW IMPLEMENTED: 395.4036 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Priscilla Davidson at (850)245-4444, ext: 2749. 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: Susan McDevitt, Office of Trauma Director, Department of Health, 4052 Bald Cypress Way, Bin #C-18, Tallahassee, FL 32399-1738; (850)245-4444, ext: 2760; email: Susan_McDevitt@doh.state.fl.us; fax: (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64J-2.019 Funding for Verified Trauma Centers.

(1) For purposes of Sections 318.14, 318.18 and 395.4036, F.S., and this rule, in addition to those terms defined in the Florida Trauma Registry Manual, February 2008 ~~December 2005~~, (see Rule 64J-2.006, F.A.C.) and elsewhere in these rules, the following definitions also apply:

(a) “Attestation” – means a letter on hospital letterhead, signed under oath consistent with Section 92.50, F.S., by the person with direct or delegated authority to make such a statement ~~as required in accordance with this rule, stating that the proceeds received by the hospital under Section 395.4036, F.S., were used in compliance with law.~~ a statement, stating that: ~~the proceeds received by the hospital under Section 395.4036, F.S., were used in compliance with law.~~

(b) “Certified trauma center,” “verified trauma center” and “trauma center” – all mean a Level I, Level II or Pediatric Verified Trauma Center.

(c) “Caseload volume,” “trauma caseload volume,” and “volume of trauma cases” – all mean the number of verified trauma patients served by a trauma center during a calendar year, after 2004, on whom data timely supplied by the trauma center to the trauma registry satisfies the *Florida Trauma Registry Manual*, February 2008 ~~December 2005~~ reporting requirements for determining trauma caseload volume (see page 65 of the manual).

(d) “International Classification Injury Severity Score” (ICISS) means a mathematical system of risk stratification based on anatomic diagnosis of trauma patients as initially defined and validated in the following reference: “Osler T, Rutledge R, Deis J, Bedrick E., ICISS: an international classification of disease-9 based injury severity score, Journal of Trauma. 1996 Sep;41(3):380-6; discussion 386-8.”

(e) “Public hospital” – means a hospital licensed under Chapter 395, Part I, F.S., which is owned by a state or local government, or local healthcare tax district.

~~(f)(e)~~ “Severe Injury Patient” – ~~Through December 31, 2007, means a verified trauma patient with a computed ICISS Ps<.90 and, after December 31, 2007, means a verified trauma patient with computed ICISS Ps<.85.~~

~~(g)(f)~~ “Verified Trauma Patient” means a patient treated at a state certified trauma center with at least one ICD-9-CM discharge diagnosis between 800 and 959.9 with a Survival Risk Ratio (SRR)<1 whose data is used by the trauma registry to determine caseload volume. SRRs for each diagnosis code will be determined from analysis of data in the trauma registry by the Department consistent with ICISS and shall be published by the Department.

~~(h)(g)~~ “Year” – means the most recent complete calendar year for which caseload volume is available from the trauma registry.

(2) Funds collected under Sections 318.14(5), 318.18(5)(c) and (19) and 318.18(15), F.S., and deposited into the department’s administrative trust fund shall be distributed quarterly to the certified trauma centers.

(a) All distribution shall be consistent with subsection (2) or upon resolution of all relevant administrative and judicial challenges, whichever is later.

(b) Funds collected under Section 318.14(5), F.S., and deposited into the department’s administrative trust fund shall be distributed to the trauma center as follows: [($.5 \times \text{funds}$)/Current total number of trauma centers)] + [($.5 \times \text{funds}$) x (Caseload volume for the trauma center for the year/The sum of caseload volume for all trauma centers during the year)].

(c) Funds collected under Section 318.18(15), F.S., and deposited into the department’s administrative trust fund under Section ~~395.4036~~4095(1), F.S., shall be distributed as follows:

1. To each trauma center in a region receiving a local funding contribution as of December 31 of the previous year: ($.2 \times \text{funds}$) x (Caseload volume for the trauma center for the year/The sum of caseload volume for the year for all trauma centers receiving funding under subparagraph (2)(c)1. of this rule).

2. To each trauma center: ($.4 \times \text{funds}$) x (Caseload volume of the trauma center during the year/The sum of caseload volume for all trauma centers during the year).

3. To each trauma center: ($.4 \times \text{funds}$) x (The total number of severe injury patients served by the trauma center for the year/The total number of all severe injury patients served by all trauma centers for the year).

(d) Funds collected under Section 318.18(5)(c) and (19), F.S., and deposited into the department’s administrative trust fund shall be distributed as follows.

1. To each Level II trauma center operated by a public hospital that provides an attestation certifying that the hospital is governed by an elected board of directors as of December 31, 2008: ($.30 \times \text{funds}$).

2. To each trauma center: ($.35 \times \text{funds}$) x (Caseload volume of the trauma center during the year/The sum of caseload volume for all trauma centers during the year).

3. To each trauma center: ($.35 \times \text{funds}$) x (The total number of severe injury patients served by the trauma center for the year/The total number of all severe injury patients served by all trauma centers for the year).

(3) Hospitals that are not subject to audit pursuant to Section 215.97, F.S. and operate a verified trauma center that receives proceeds under Section 395.4036, F.S., must annually submit to the department an attestation stating the proceeds received by the hospital were used in compliance with Section 395.4036(3)(a), F.S.

Rulemaking Specific Authority 395.4036 FS. Law Implemented 395.4036 FS. History–New 4-25-06, Amended 1-9-07, Formerly 64E-2.040, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan McDevitt, Director, Office of Trauma

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana Viamonti-Ros, M.D., M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Domestic Violence

RULE NOS.:	RULE TITLES:
65H-1.001	Certification
65H-1.002	Procedures for Funding
65H-1.003	Standards for Certification
65H-1.004	Confidentiality
65H-1.005	Evaluation
65H-1.010	Purpose
65H-1.011	Definitions
65H-1.012	Application and Certification Process
65H-1.013	Administration and Operations
65H-1.014	Services
65H-1.015	Emergency Shelter Facilities
65H-1.016	Confidentiality
65H-1.017	Monitoring and Evaluation
65H-1.018	Funding Procedures

PURPOSE AND EFFECT: The purpose is to repeal all current rules in Chapter 65H-1, F.A.C. and concurrently replace with new rules which have been restructured and renumbered to promote clarity regarding the minimum standards for domestic

violence centers. Additionally, the new rules incorporate Governor Crist's plain language initiative, revises funding procedures, and adds purpose and definitions.

SUMMARY: These rules establish minimum standards for the certification and evaluation of domestic violence centers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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: 39.903 FS.

LAW IMPLEMENTED: 39.903, 39.905, 39.908 FS.

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

DATE AND TIME: September 18, 2009, 2:30 p.m.

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 319, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Renee Starrett at (850)921-4766 or renee_starrett@dcf.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 RULES IS: Renee Starrett, (850)921-4766 or renee_starrett@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

DOMESTIC VIOLENCE CENTER CERTIFICATION MINIMUM STANDARDS

65H-1.001 Certification.

Rulemaking Specific Authority 39.903, 39.905 FS. Law Implemented 39.905 FS. History--New 5-13-79, Amended 12-4-79, 12-3-85, Formerly 10A-8.03, Amended 6-22-87, Formerly 10A-8.003, 10M-48.002, Amended 3-12-00, Formerly 65C-6.002, Repealed _____.

65H-1.002 Procedures for Funding.

Rulemaking Specific Authority 39.903, 39.905 FS. Law Implemented 39.903 FS. History--New 5-13-79, Amended 12-4-79, 11-1-83, 12-3-85, Formerly 10A-8.04, Amended 6-22-87, Formerly 10A-8.004, 10M-48.003, Amended 3-12-00, Formerly 65C-6.003, Repealed _____.

65H-1.003 Standards for Certification.

Rulemaking Specific Authority 39.903, 39.905 FS. Law Implemented 39.905 FS. History--New 5-13-79, Amended 12-4-79, 1-11-83, 12-3-85, Formerly 10A-8.05, Amended 6-22-87, Formerly 10A-8.005, 10M-48.004, Amended 3-12-00, Formerly 65C-6.004, Repealed _____.

65H-1.004 Confidentiality.

Rulemaking Specific Authority 415.608, 120.53 FS. Law Implemented 415.601 et seq. FS. History--New 5-13-79, Amended 12-4-79, 12-3-85, Formerly 10A-8.06, 10A-8.006, 10M-48.005, 65C-6.005, Repealed _____.

65H-1.005 Evaluation.

Rulemaking Specific Authority 39.903 FS. Law Implemented 39.903 FS. History--New 5-13-79, Amended 12-4-79, 12-3-85, Formerly 10A-8.07, 10A-8.007, 10M-48.006, Amended 3-12-00, Formerly 65C-6.006, Repealed _____.

65H-1.010 Purpose.

The purpose of this rule chapter is to establish the minimum standards and procedures for the provision of services to victims of domestic violence as authorized in Section 39.903, F.S.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History--New _____.

65H-1.011 Definitions.

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

(1) "Administrator" means the full-time employee who is responsible for the overall operation and day-to-day management of a certified domestic violence center.

(2) "Advisory Board" means a group of individuals whose purpose is to make recommendations to the board of directors regarding the operation of the domestic violence center, if the board of directors does not directly oversee that operation.

(3) "Board of Directors" means a legally constituted group of individuals whose function is to oversee operations of a certified domestic violence center either directly or through an advisory board.

(4) "Certification" means the Department's formal recognition that a domestic violence center meets the minimum standards set forth in Section 39.905, F.S., and these rules.

(5) "Competency-based Core" means specialized knowledge and skills for the effective performance of domestic violence advocacy activities.

(6) "Dating Violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature as defined in Section 784.046, F.S.

(7) “Department” means the Florida Department of Children and Families, an employee of the Department, or a designated agent of the Department.

(8) “Domestic Violence” means the perpetration of violence between intimate partners, spouses, ex-spouses, or those who share a child in common or who are cohabitants in an intimate relationship, for the purpose of exercising power and control by one over the other as defined in Section 741.28, F.S.

(9) “Domestic violence advocate” means an employee or volunteer of a certified domestic violence center who: provides direct services to individuals victimized by domestic violence; has received 30 hours of domestic violence core competency training; and, has been identified by the domestic violence center as an individual who may assert a claim to privileged communications with domestic violence victims under Section 39.905, F.S.

(10) “Domestic violence center” means an agency that provides services to victims of domestic violence as its primary mission and is certified under these rules.

(11) “Evaluation” means a process of reviewing the administrative and programmatic components of a certified domestic violence center to ensure compliance with minimum standards as set forth in this rule chapter and Section 39.905, F.S., and, if applicable, as stipulated in contract.

(12) “Florida Coalition Against Domestic Violence” (the Coalition) means the statewide association whose primary purpose is to represent and provide technical assistance to certified domestic violence centers, evaluate all services provided by certified domestic violence centers, and approve or reject applications for funding of certified domestic violence centers as provided for in Section 39.903, F.S.

(13) “Participant” means a person who receives services from a certified domestic violence center.

(14) “Power and Control Model” means intervention that recognizes domestic violence where one partner in an intimate relationship systematically uses tactics of emotional and physical abuse in order to maintain power and control over the other.

(15) “Privilege” means confidential communications, including any related records, made between a person seeking or receiving services from a certified domestic violence center and the domestic violence advocate.

(16) “Provider” means an agency that provides services to victims of domestic violence and is an applicant for certification or certified under Section 39.905, F.S., and these rules.

(17) “Shelter” means a facility that provides temporary emergency housing to victims of domestic violence and their dependents.

(18) “Victim” means the spouse, ex-spouse, co-habitant in an intimate relationship, or individual who shares a child in common with a batterer who has perpetrated an act, alleged act, or attempted act of violence against them for the purpose of exercising power and control. The victim may also be an individual who has or had a dating relationship with the batterer.

(19) “Volunteer” means unpaid staff members trained in the dynamics of domestic violence who provide direct and indirect services to those seeking and receiving services from a domestic violence center.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New _____.

65H-1.012 Application and Certification Process.

(1) Certification Eligibility.

(a) To be eligible for certification an applicant shall be a not-for-profit corporation created for the purpose of operating a domestic violence center. The not-for-profit corporation may be affiliated with a local government entity or a larger private organization, but must be a distinct entity with its own corporate structure and budget. Existing domestic violence centers certified prior to the effective date of this rule shall be exempt from the foregoing requirement. All funding and budget issues pertaining to the operation of the domestic violence program must be reported independently from other activities. The domestic violence center’s primary mission shall be the provision of services to victims of domestic violence, as defined in Section 741.28, F.S.

(b) When an applicant is seeking certification within the service area of an existing certified center, the applicant shall make efforts to subcontract with the existing center to avoid duplication of services. Efforts to partner with the existing center shall be documented. If sub-contracting is not an option, an application for certification shall be made to the Department.

(c) Only applicants that have been in operation and providing domestic violence services for 18 consecutive months, including 12 months operation of an emergency shelter, as detailed in this rule chapter and Section 39.905, F.S., may apply to the Department for certification.

(d) Applicants for initial certification and renewal of certification must demonstrate an ability to operate, garner community support, and maintain solvency by providing proof of the following:

1. Satisfactory environmental health inspection report completed within the last 365 days by the local health department.

2. Satisfactory fire safety inspection report completed within the last 365 days by the local fire authority.

3. Financial ability to provide services and shelter.

4. Maintenance of all records pertaining to the operation of the domestic violence program and provision of services in a manner such that the records are readily accessible.

(e) An applicant must agree to become a member of the Florida Coalition Against Domestic Violence as a condition of certification. Failure to join the Coalition shall be grounds for revocation of certification.

(2) Application. Application for initial certification shall be made on Form CF 613, Domestic Violence Center Certification Application, August 2009, which is incorporated by reference. Form CF 613 may be obtained from the Domestic Violence Program Office or on the Department's website at www.dcf.state.fl.us/domesticviolence by clicking on the link for the Domestic Violence Program. The full-time administrator, board president, or the designated representative of a corporation shall complete the application. The application shall include the following attachments:

(a) Business Plan. The business plan shall provide a comprehensive description of all administrative and programmatic activities for current and future operations. The plan must include the following:

1. Executive Summary. The executive summary shall include, at a minimum, the mission, goals, objectives, and history of organization.

2. Community Support. The applicant must demonstrate that the organization is publicly supported, both programmatically and financially. The financial documentation shall demonstrate a 25 percent local match in the form of cash, in-kind services, or a combination thereof. Written endorsement by local law enforcement agencies, three letters of support from community partners, and documentation of efforts to subcontract with existing certified centers in the service area shall also be included.

3. Financial Plan. The financial plan shall include the organization's income statement, which identifies revenues by source and expenditures by category; 25 percent local match in the form of cash, in-kind services, or a combination thereof; an independent financial audit covering the previous 18 months operation as a domestic violence program, conducted by a certified public accountant licensed under Chapter 473, F.S.; and a plan for sustainability with projected revenues and expenditures for the 24 months of operation following date of certification.

4. Management Plan. The management plan shall include a detail description of the organization's legal and organizational structure, including names, contact information and resumes for the management team, board of directors, and, if applicable, any advisory boards. The plan must include documentation of the selection process, code of conduct, duties and responsibilities, training requirements, and minutes from the past six meetings of the board of directors, and, if applicable, any advisory boards. Copies of by-laws, IRS tax exemption determination letter, Federal Employment

Identification (FEID) number, city business license, county business license, and certificate of status or acknowledgement letter of registration from the Florida Department of State shall also be included.

5. Market Analysis and Plan. The market analysis shall include a description of the local need for domestic violence services and how those needs are met or unmet. The applicant must demonstrate that services address a need identified in the most current statewide needs assessment approved by the Department. The current needs assessment may be obtained from the Domestic Violence Program Office or on the Department's website at www.dcf.state.fl.us/domesticviolence/publications. Descriptions of the service area and demographics, as well as strategies for public awareness and fundraising, shall also be included.

6. Personnel Plan. The personnel plan shall include an organizational chart identifying all center employees. The plan must clearly describe each employee's responsibilities, and include clear lines of authority, accountability, and lines of communication; processes for evaluations and disciplinary action; position descriptions; and the shift schedule for the emergency shelter. The personnel plan must also include the provider's staff training and development plan and meet the requirements provided in Rule 65H-1.013, F.A.C.

7. Operations Plan. The operations plan shall include a description of the facilities with city of location, equipment, and assets. Approval of the shelter facilities signed by local authorized zoning, building, and other applicable permitting agencies, based upon inspections not more than 60 days prior to the date of filing the certification application is also required. Those buildings that have pre-established schedules with local regulatory agencies for annual re-inspection may submit written documentation of the results of such inspection held within the past calendar year. The operations plan must also include the provider's emergency management plan and meet the requirements provided in Rule 65H-1.013, F.A.C.

8. Service Plan. The service plan shall include an identification and comprehensive description of each service required by Section 39.905, F.S., and any additional services and programs provided by the provider. The description must illustrate the manner in which services will be integrated with existing resources for domestic violence victims, for example, inter-agency agreements. For each of the core services, the applicant must address the needs of underserved populations, including populations that are underserved because of disabilities, ethnicity, race, language, or geographic isolation, and specific efforts to reach each of these populations within the organization's service area. Documentation of services shall include services provided during the previous 18 months of operation as a domestic violence program, and include the number of persons served for each required service, and the gender, age, and ethnicity of the people served.

(b) Operating Policies and Procedures Manual. The applicant's operating policies and procedures manual must meet the requirements provided in Rule 65H-1.013, F.A.C.

(3) Certification.

(a) Certification is for one year and automatically expires on the termination date provided on the certificate.

(b) Failure to comply with any of the requirements in Section 39.905, F.S. or this rule chapter constitutes grounds to revoke the certification.

(c) Certification is non-transferable and valid only for the center and location(s) listed on the certificate issued by the Department.

(d) The provider may operate satellite service centers at different locations. If the provider wishes to change the location of service, close a service center, or open additional service centers during an existing certification period, the provider must notify the Department, in writing, at least 30 days prior to the change or addition, and request approval from the Department for an amendment of the certification. The Department will amend the certification if the provider is financially and programmatically capable of supporting additional service locations, the new or additional location is within the center's designated service area, and there is no pending corrective action pertaining to the provider. If the Department does not amend the certification to include additional sites, the provider may not utilize Department funds to operate those locations.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New _____.

Editorial Note: Formerly 65H-1.001, 65H-1.002.

65H-1.013 Administration and Operations.

(1) Admission. The provider shall identify who is eligible for services and how those services are accessed. Services shall not be denied to any person because of age, race, religion, color, disability, national origin, marital status, or gender as outlined in 45 CFR Parts 80, 83, 84, and 90. Prospective participants must be informed of the admission criteria and, if ineligible, the provider must provide referrals to other organizations that can provide assistance. The provider shall develop and implement written policies and procedures that ensure compliance with all provisions of this rule chapter and Sections 39.905 and 39.908, F.S. The provider shall provide a copy to all employees and volunteers upon their beginning date of employment or service, and, thereafter, as revised. Employees and volunteers must indicate in writing that they have read and understand the policies and procedures, which must be documented in their personnel file. At a minimum, the operating policies and procedures shall include the following:

(2) Board of Directors. The provider shall establish and maintain a board of directors, which shall be composed of at least three citizens who reside within the center's service area,

one of whom must be an employee of a local, municipal, or county law enforcement agency whose jurisdiction includes some or all of the center's service area. The board of directors should racially and ethnically reflect, to the extent possible, the participants served by the domestic violence center. The board of directors shall serve as the governing body responsible for fiscal oversight and strategic leadership specific to the operation of the center. The provider shall create an advisory board to make recommendations to the board of directors regarding operational functions specific to the domestic violence center if the board of directors does not directly oversee the domestic violence center's operations. The provider shall develop by-laws, which must include membership selection process, term limits, code of conduct, conflict of interest, duties and responsibilities, and orientation and training requirements for the board of directors and any advisory boards.

(3) Confidentiality. The provider shall establish and implement policies and procedures for maintaining safety, confidentiality, and privacy of persons receiving services. The provider shall also ensure that employees and volunteers receive information on the restrictions relating to the disclosure of information about center participants and the location of shelter as provided in Section 39.908, F.S.

(4) Electronic Communication. The Department's primary communication with a provider will be electronic. A provider shall have the capability to access the Internet and to electronically submit certification documentation as required by the Department. A provider shall maintain a functional email address with the capability of receiving attachments and shall provide that address, and revisions as needed, to the Department.

(5) Endorsement. The provider must obtain annual written endorsements from the law enforcement agencies within the center's service area, preferably through the establishment of written cooperative agreements.

(6) Emergency Management. The provider shall develop an emergency management plan that is coordinated with the applicable local emergency management agency.

(a) The plan must outline a comprehensive and effective program to ensure the safety and well-being of employees, volunteers, and center participants in the event of an emergency. The plan should address emergencies that the provider may reasonably expect in the center facilities. Examples are: natural or manmade disasters such as hurricanes or tornados; contamination of the air, ground, water, or food; fire; public health hazards such as outbreak of communicable, reportable diseases such as avian influenza, arboviral encephalitis, salmonella, severe acute respiratory syndrome (SARS), West Nile virus, etc.; significant incidents such as participant death or injury; security incidents such as intruders, hostage situations, kidnapping,

and workplace violence; or human acts that may jeopardize the health, safety, or welfare of center employees, volunteers, or participants.

(b) The emergency management plan must include, at a minimum, the following elements: procedures for reporting emergencies or incidents as identified in subsection (6) above; identification of essential functions, programs, and personnel; procedures to implement the plan and personnel notification; delegations of authority and lines of succession; identification of alternative facilities; procedures for evacuation, including type of evacuation and exit route assignments; procedures to account for all staff members and participants; and identification and protection of records and databases.

(c) The provider must annually review and update the plan. A current plan shall be maintained in the center records and made available for inspection upon request.

(7) Financial Management. The provider is responsible for the sound financial management of the domestic violence center by ensuring proper financial controls are in place and by maintaining current financial documents described in Rule 65H-1.012, F.A.C.

(8) Incident Reporting. The provider shall notify the Department as soon as practical, and in no event more than 24 hours, after any incident that involves death or serious injury of a participant or their dependent, as well as any action by the participant or provider staff that results in an inquiry by public media.

(9) Personnel. The provider may not discriminate against employees, applicants for employment, or participants because of their age, race, religion, color, disability, national origin, marital status, or gender. Personnel should racially and ethnically reflect, to the extent possible, the participants they serve. The provider shall ensure that there is adequate staff coverage at all center facilities for the provision of required core services, as well as any additional services the center provides.

(a) A certified domestic violence center must have, at a minimum, the following paid staff positions:

1. One full-time administrator responsible for the management of the domestic violence center who reports to the board of directors. Qualifications include a Bachelor's degree from an accredited college or university and two years experience working in the domestic violence field, or four years minimum experience in an administrative/management capacity and two years experience working in the domestic violence field. The administrator must successfully complete 30 hours of domestic violence competency-based core training within 90 days of their date of employment. Upon successful completion, the administrator must register, according to Section 39.905, F.S., as someone who may claim privilege under Section 90.5036, F.S. In the event the administrator position becomes vacant, an interim administrator must be appointed until the position can be filled permanently. A board member may not serve in the position at any time.

2. One full-time advocate services manager responsible for managing all advocacy, counseling, and volunteer services. Qualifications include a Bachelor's degree from an accredited college or university, or four years of direct service experience in the field of domestic violence. The advocate services manager must successfully complete 30 hours of domestic violence competency-based core training within 90 days of their date of employment. Upon successful completion, the advocate services manager must register according to Section 39.905, F.S., as someone who may claim privilege under Section 90.5036, F.S.

3. One full-time or part-time accounting manager responsible for ensuring the integrity of the center's financial records and preparation of financial statements. Qualifications include a minimum of two years accounting experience.

4. The provider must select one full-time employee within the center to be designated as the emergency coordinator and another to be the alternate emergency coordinator. The emergency coordinator is responsible for implementing the center's emergency management plan and providing training to all employees and volunteers on their duties and responsibilities for implementing the plan.

(b) If the administrator or accounting manager positions listed above become vacant, or if the employee assigned to the position is unable to fulfill their duties and responsibilities due to an extended absence, the provider shall notify the Department within five business days of the vacancy or absence.

(c) The provider may determine other positions and their qualifications as needed within the center.

(d) The provider shall ensure that employees and volunteers comply with policies and procedures for maintaining the safety, confidentiality, and privacy of persons receiving services and with the prohibition against disclosure of any information about center participants and shelter location as provided in Section 39.908, F.S.

(e) The provider shall develop and implement standards of conduct and disciplinary action for violation of standards.

(f) The provider shall maintain current, accurate, and complete personnel records for all employees and direct-service volunteers, which shall include position descriptions and training records.

(10) Privilege. The provider shall ensure that all employees and volunteers who provide direct services register for advocate-victim privilege according to Section 90.5036, F.S. The provider shall ensure that a current and accurate list of said employees and volunteers with their position title is filed with the Department. The provider, as necessary, shall file amendments to the list.

(11) Record Keeping. The provider shall provide for the maintenance of records, including electronic storage media, regarding the administrative, fiscal, and programmatic operation of the domestic violence center. Records shall be current, complete, accurate, and maintained in such form as to

permit Department evaluation during the hours of operation. Information received by the Department concerning participant identity is confidential and exempt from the provisions of Section 119.07(1), F.S., and shall not be disclosed without the written consent of the participant to whom the records or information pertains. All records and files, including electronic storage media, shall be kept for a minimum period of six years after termination of certification, or if an audit has been initiated and audit findings have not been resolved at the end of six years, the records and files shall be retained until resolution of the audit findings. The Department shall make the final determination as to what constitutes a satisfactory resolution of audit findings. Records include, but are not limited, to the following:

(a) Case Management Records. The provider shall maintain case management records in compliance with Rule 65H-1.014, F.A.C.

(b) Fiscal Records. The provider shall maintain an accounting system capable of distinguishing between all revenue sources and expenditures and in accordance with generally accepted accounting principles (GAAP) as defined by Rule 61H1-20.007, F.A.C., 9-29-02, which is incorporated by reference and may be obtained at <https://www.flrules.org/gateway/ruleNo.asp?ID=61H1-20.007>. The provider's fiscal records shall provide an accounting of the revenue and expenditures of the certified center that is separate and distinct from other programs and services that may be operated by a parent entity such as a local government or an umbrella agency. The provider's fiscal records must be available for inspection by the Department upon request.

(c) Service Reports. The provider shall collect and compile a monthly record of all services provided. The record shall include the gender, age, ethnicity, and, if applicable, other information as required by contract, of the people served. The provider shall forward a monthly summary report to the Department each month for evaluation of domestic violence service trends.

(12) Staff Training and Development. The provider shall develop, implement, and revise annually a staff training and development plan to ensure that all new employees, current employees, and volunteers meet training requirements as required by this rule. The plan shall include policies and procedures for implementing training activities, course titles, descriptions, objectives, number of hours, names of instructors with title or position or source, dates or timeframes, and training requirements for each staff position. The training of each employee and volunteer shall be documented in the staff member's personnel file or training record and shall include activities or course titles, number of hours, names of instructors and title or position, and dates of completion. The minimum training must include:

(a) Competency-Based Core Training. Advanced-level training on domestic violence that includes the knowledge and skills needed to work in domestic violence program areas such

as crisis intervention, safety planning, and advocacy. All staff members who supervise, coordinate, and/or provide direct advocate or counseling services to center participants shall successfully complete 30 hours of domestic violence competency-based core training. The successful completion of this training is required in order for an employee and participant to assert the evidentiary privilege afforded by Section 90.5036, F.S.

(b) In-Service Training. Training designed to help employees and volunteers develop their knowledge and skills related to domestic violence and the successful performance of their job. All staff members who supervise, coordinate, and/or provide direct advocate or counseling services are required to successfully complete 16 hours of in-service training each state fiscal year. The training requirement is effective upon the first anniversary of their employment or service.

(c) Emergency Training. In addition to in-service training, all staff members shall receive, at a minimum, annual training on implementing the center's emergency management plan as identified in subsection (6) above.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New _____.

Editorial Note: Formerly 65H-1.001, 65H-1.003

65H-1.014 Services.

To be eligible for certification, a domestic violence center shall provide the minimum core services as set forth below and in Section 39.905, F.S. Providers may provide additional services beyond the minimum requirements.

(1) Information and Referral. Education and recommendations on services to those persons seeking assistance. The provider shall maintain a comprehensive and current database of information and referral resources, which shall be made available for use by all direct service staff.

(2) Counseling. Supportive activities with victims of domestic violence.

(a) Counseling services shall incorporate supportive advocacy services such as crisis intervention, safety planning, assessment of risk, and intervening with the various social and legal agencies on behalf of the center participant, including legal advocacy, medical advocacy, housing advocacy, interpretation services, and additional services as needed.

(b) Counseling services may be based on the peer-counseling model. Individuals who need mental health counseling services may be served through referral to an outside provider.

(3) Case Management. A collaborative process of assessment, planning, facilitation, and advocacy for options and services to meet a center participant's needs.

(a) The provider shall provide one-on-one case management to participants who reside in shelter for 72 hours or more, and to non-resident participants upon two sessions with an advocate. This provision does not preclude providers

from providing case management to residents housed less than 72 hours or to non-resident participants who have received less than two sessions with an advocate.

(b) Individual case records shall be maintained, shall be current, and shall include at a minimum:

1. Identification data including name, age, ethnicity, and other relevant information for the participant and any dependents; and

2. A case management plan that includes safety planning and service referrals.

(c) The provider shall develop procedures and maintain documentation for case management staffings. Case management staffings shall be held bi-weekly for the purposes of ensuring effective communication among staff about the progress of participants toward meeting their goals and objectives, as well as addressing individual participant issues.

(d) In order to ensure the safety of participants and their dependents the provider shall protect the confidentiality and privacy of persons receiving services. Center staff shall not disclose any personally identifying information collected in connection with services or reveal individual participant information without the informed, written, time-limited consent of the participant, except in limited circumstances described in the Section 39.908, F.S.

(4) Emergency Shelter. Safe housing provided for adult victims of domestic violence and their dependents. The provider shall provide temporary emergency shelter to victims and their dependents for more than 24 hours. Shelters shall be staffed by domestic violence advocates 24 hours a day, seven days a week, including holidays.

(5) Hotline Services. A telephone operated 24 hours a day, seven days a week to provide crisis intervention, safety planning, information, and referral to victims of domestic violence or on behalf of a victim.

(a) The provider shall provide hotline services, available 24 hours a day, seven days a week staffed by domestic violence advocates who have successfully completed the 30 hours of domestic violence competency-based core training and are registered for privileged communications. The hotline telephone shall have a TDD/telephone relay service.

(b) The use of commercial telephone answering services or automated voice mail to cover the hotline are not permitted, except for the purpose of directing calls to a domestic violence advocate.

(6) Child Assessment: Evaluation of the basic needs of children served by the center and the referral of children to services if needed.

(a) Each child in emergency shelter for 72 hours or more shall be assessed for basic needs and given service recommendations by a domestic violence advocate with experience working with children. This provision does not preclude providers from providing an assessment of children housed less than 72 hours.

(b) Any person who knows, or has reasonable cause to suspect, that a child is abused or neglected shall report such knowledge or suspicion to the Department as provided for in Section 39.201, F.S.

(7) Professional Training. Education on the dynamics of domestic violence provided to law enforcement personnel, other professionals, and paraprofessionals who have contact, as part of their work, with victims of domestic violence.

(8) Community Education. The efforts, activities, and presentations performed to increase public awareness about domestic violence and the availability of services for victims of domestic violence.

(a) The provider shall provide community education to promote awareness of the incidence, causes, and prevention strategies of domestic violence. Community education shall be presented both face-to-face and through the utilization of various media.

(b) Center employees shall participate in community task forces, interagency councils, and other organizational groups whose efforts are intended to improve services for victims of domestic violence.

(9) Exempted Services. The Department may exempt the 24-hour hotline, professional training, and community education requirement for centers where this requirement is already being met by another certified center in the same service area, pursuant to Section 39.905(1)(c), F.S.

Rulemaking Authority 39.903 FS. Law Implemented 39.905, 39.908 FS. History--New _____.

Editorial Note: Formerly 65H-1.001, 65H-1.003

65H-1.015 Emergency Shelter Facilities.

(1) Design, Construction, and Accessibility. The provider shall ensure that the design and construction of new shelter facilities or alterations to an existing facility meet the minimum requirements of the applicable state and local governing agencies. No new certifications shall be issued after the effective date of this rule to any provider whose shelter facility does not meet the requirements of Sections 553.501-553.513, F.S., and the Americans with Disabilities Act Standards for Accessible Design in the Code of Federal Regulations, Title 28, part 36, appendix A. Facilities certified prior to the effective date of this rule must meet these minimum standards except where the cost of compliance with a particular standard would impose an undue burden on the provider, as described in the Code of Federal Regulations, Title 28, Section 35.150. Any alteration to a shelter facility certified prior to the effective date of this rule must meet the accessibility guidelines described above, as provided in the Code of Federal Regulations, Title 28, Section 36.402.

(2) Physical Safety and Well-being. The provider shall take precautionary measures to provide for the safety, confidentiality, privacy, and well-being of shelter residents.

(a) All shelter facilities maintained by the provider or its subcontractors shall meet all applicable county and municipal building code enforcement requirements as provided in Chapter 162, F.S., and Section 166.0415, F.S.

(b) All shelter facilities must be in good repair, free from health and safety hazards, clean, and free from vermin infestation.

(c) To protect the privacy of shelter participants, electronic surveillance systems may not be installed in the participants' living quarters of the shelter facilities. Electronic surveillance systems may be installed at entrance and exit doors and parking areas.

(d) All outside doors shall remain locked from the outside at all times; all windows shall be secured against entry; and outside and entrance way lighting shall be in place and functioning.

(e) If an outside play area is made available for children, the area shall be free of debris and broken or dangerous materials, and shall be routinely checked for safety. Play areas shall be fenced in accordance with local ordinances to prevent access by children to all water hazards within or adjacent to outdoor play areas, such as pools, ditches, retention, and fish ponds. The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level and be free from erosion or build-up to prevent inside or outside access by children or animals. If the play area is in view of the public, privacy fencing is required.

(f) No firearms or weapons as defined in Section 790.001, F.S., shall be allowed within any building or upon any person located on the premises, excluding federal, state, or local law enforcement officers.

(g) No narcotics, alcohol, or other impairing drugs shall be present on the premises.

(h) Smoking is prohibited within the shelter facilities, all outdoor play areas, and in vehicles when being used to transport center participants pursuant to Chapter 386, F.S. The provider may designate specific areas for smoking.

(i) Fire Safety. The provider shall ensure that each shelter facility has sprinklers or smoke alarms in each bedroom, and in all hallways and common areas. The provider shall ensure that an annual fire safety inspection, which conforms to fire safety standards as determined by each municipality, county, and special district with fire safety responsibilities as defined in Section 633.025, F.S., is conducted for each shelter facility. A current inspection report shall be maintained in the center records and made available for inspection upon request.

(j) Health Inspections. The provider shall ensure that each shelter facility has an annual sanitation inspection through their county health department. A current inspection report shall be maintained in the center records and made available for inspection upon request.

(3) Telephone. The shelter facility shall have telephones that are centrally located and readily available for staff member and participant use. Emergency numbers such as emergency medical services, fire department, law enforcement, hospital, and poison control center shall be posted by each telephone. There shall be at least one cellular telephone available for use at all times in the event of power and telephone line outages. TDD/telephone relay service for the hearing impaired is required.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New _____.

Editorial Note: Formerly 65H-1.001, 65H-1.003

65H-1.016 Confidentiality.

(1) To ensure the safety, confidentiality, and privacy of persons receiving services, the provider shall safeguard information identifying domestic violence emergency shelters and center participants as provided in Section 39.908, F.S. Confidential information may be in hardcopy or electronic format and may include name, address, phone number, case management plan and notes, safety plan, service plan, services provided, referrals, and other related information. Access to any participant identifying information shall be limited to staff members who have a legitimate interest in the case and have a need to know to carry out their job duties.

(2) The Department and the Coalition shall have access to shelters and center records to the extent necessary to perform the oversight function. Providers may not provide individual participant records to stakeholders, partner agencies, and other entities that have an interest in provider operations, except as expressly authorized in Section 39.908, F.S. Client communications that satisfy the criteria for a privileged communication under Section 90.5036, F.S., may be disclosed only as provided in that statute.

(3) The provider shall ensure all center employees and volunteers are aware of and understand their obligation to comply with Section 39.908, F.S., which prohibits the disclosure of shelter location and any information regarding center participants without their express written, time-limited consent, except in limited circumstances described in the statute.

Rulemaking Authority 39.903 FS. Law Implemented 39.908 FS. History—New _____.

Editorial Note: Formerly 65H-1.004

65H-1.017 Monitoring and Evaluation.

(1) The Department will conduct evaluations of certified centers to ensure compliance with the minimum standards provided in this rule chapter and in Section 39.905, F.S.

(a) To conduct evaluations, the Department shall have access to a center or subcontractor, its location, records relevant to the operation of said center or subcontractor,

records of participants served, and any other information necessary for evaluation of compliance with this rule chapter and Section 39.905, F.S.

(b) The evaluation shall occur annually, on-site or desktop, as determined by the Department. However, an evaluation may occur at any time there is a complaint to the Department.

(c) Within 60 days after the evaluation, the provider will receive a written report from the Department whether or not standards have been met. If any deficiencies were cited, the provider will be given ten business days from the date of the written report to submit a corrective action plan. The corrective action plan is subject to approval by the Department. The severity of the noncompliance may affect the period of time allowed for correction, but in no event shall the corrective action period exceed 90 days. Follow up visits or a desk review will be made by the Department to determine if the plan of correction is acceptable, has been implemented, or completed.

(d) Failure to successfully complete the corrective action plan will result in suspension of a center’s certification, unless the circumstances are beyond the provider’s reasonable control, such as manmade or natural disasters, local zoning ordinances, or permitting processes. However, the Department will suspend a center’s certification immediately without allowing a corrective action in cases of recurring violations or if the violation poses a serious risk of imminent harm to the health or safety of participants or staff members.

(e) A suspension will continue until the provider completes a corrective action plan, but will not exceed six months. If the provider does not successfully complete the corrective action plan within six months, the center’s certification will be revoked.

Rulemaking Authority 39.903 FS. Law Implemented 39, 903, 39.905 FS. History–New _____.

Editorial Note: Formerly 65H-1.005

65H-1.018 Funding Procedures.

(1) For each funding cycle, the Florida Coalition Against Domestic Violence will provide all eligible certified domestic violence centers with an application for funding with instructions for completion.

(2) Newly certified centers without previous funding from the Coalition must request an application for funding by July 1 for the following state fiscal year. Certification does not guarantee funding.

(3) In accordance with Section 39.905(7)(a), F.S., all funds collected and appropriated for certified domestic violence centers will annually be distributed by the Coalition through an allocation formula developed by the Coalition. The Department will review the allocation formula and any revisions to ensure that it includes the factors required by Sections 39.903 and 39.905, F.S.

(4) The Coalition shall provide final approval of applications for and shall award funds appropriated for certified domestic violence centers as provided in Section 39.903(7), F.S. The Coalition shall contract with successful applicants for the operation of certified domestic violence centers.

(5) The Coalition will conduct evaluations of certified domestic violence centers to ensure quality services are being provided to center participants.

(6) Funding is contingent upon completion of any corrective action required by the Coalition, unless the failure to complete the corrective action is attributable to circumstances that are beyond the provider’s reasonable control.

Rulemaking Authority 39.903 FS. Law Implemented 39.903, 39.905 FS. History–New _____.

Editorial Note: Formerly 65H-1.002

NAME OF PERSON ORIGINATING PROPOSED RULE:
Trula E. Motta, Director, Office of Domestic Violence Program
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Don Winstead, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0012 RULE TITLE: Application Information

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 32, August 14, 2009 issue of the Florida Administrative Weekly.

Paragraph (1)(a) and (b) are amended to reflect the correct effective year.

(a) A completed Form CG-10 and a nonrefundable application fee. Form CG-10, Application for Florida Educator’s Certificate, effective October ~~2009~~ 2008, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or