

Specific Authority 456.013(6), 460.405, 460.408 FS. Law Implemented 456.013(6), 460.408 FS. History--New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended 11-13-01, 5-4-03.

DEPARTMENT OF HEALTH

Family Health Services

RULE CHAPTER TITLE: Family Planning Waiver Program RULE CHAPTER NO.: 64F-19

PURPOSE AND EFFECT: The Department proposes to promulgate a new rule chapter relating to the family planning wavier program and services.

SUBJECT AREA TO BE ADDRESSED: Family planning waiver program.

SPECIFIC AUTHORITY: 120.80(15), 154.011(5), 381.0011(13), 381.0051(7), 383.011(2), 409.919 FS., 42 CFR 491.10.

LAW IMPLEMENTED: 154.011, 381.0051, 383.011, 383.013, 409.9121, 409.9122 FS., 42 CFR 50.303, 42 CFR 59.5, 42 CFR 431.205-246.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Renee Alsobrook, Deputy General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A-02, Tallahassee, FL 32399

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Fees and Expenses RULE NO.: 6E-4.001

PURPOSE AND EFFECT: The Commission proposes this rule amendment to clarify the fees for licesnure extensions, student transcript searches and what fees are paid annually.

SUMMARY: The proposed rule amendment clarifies the fees for licensure extensions, student transcript searches, application fees, base fees and program fees to be paid annually.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37, 1005.38 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-4.001 Fees and Expenses.

(1) No change.

(2) Workload Fees. Each Florida location of each institution receives technical assistance from the Commission, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to institutions for onsite visits, assisting institutions which are experiencing problems with financial aid or financial stability, and making reviews. The following workload fees are assessed in addition to the Base Fee, and must be received prior to Commission consideration of each action.

Initial Application for License, or Moving from Nondegree to Degree:

Table with 2 columns: Institution Type and Fee. Rows include New Nondegree Institutions (\$2,000 + \$200 per program cost of visit) and New Degree-Granting Institutions (3,000 + 200 per program cost of visit).

Annual Review of Licensure:

Table with 2 columns: Institution Type and Fee. Rows include Nondegree Institutions (1,500 + \$50 per program), Degree-Granting Institutions (2,500 + \$50 per program), Review of Extended Annual License or Substantive Change Review (1,000), Licensure by Means of Accreditation, Annually (1,250), Provisional or Annual Licensure Extension (first) (500), Provisional or Annual Licensure Extension (second) (750), Provisional or Annual Licensure Extension (third) (1500), New Program or Program Modifications, Less than Substantive Change or More than One Minor Modification per Year, Nondegree Programs (500), Degree Programs (500).

Site Visits:  
 One Visit per Year .....Included in licensure fee  
 Subsequent Visits directed  
 by Commission.....Expenses + Costs + 200 per day  
 Approval to Use “College” or  
 “University”, First Time or Special Review ..... 500  
 Annual Licensure of Recruiting Agents (nontransferable) .200  
 Criminal Justice Information Investigation..... 50  
Student Transcript Search Copy  
of Student Academic Transcript on File..... 10  
 (3) Fines and disciplinary oversight:  
 Fine for Probation Requiring  
 Oversight .....Up to 5,000 depending on level  
 and length of oversight required  
 Continuing Activity after  
 Cease and Desist Letter, Per Day ..... 1,000  
 Monitoring Institution under Probable  
 Cause, Per Calendar Quarter ..... 1,000.  
(4) Licensure application fees, base fees and programs  
fees shall be paid annually.  
 (4) through (7) renumbered (5) through (8) No change.

Specific Authority 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS. Law  
 Implemented 1005.22, 1005.35, 1005.37, 1005.38 FS. History–New 1-7-03,  
Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Commission for Independent Education  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Commission for Independent  
 Education  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: March 18, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: April 2, 2004

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Contractors – Highway Qualification to Bid	14-22
RULE TITLES:	RULE NOS.:
General Procedural Requirements	14-22.0011
Regulations Covering Qualification of Contractors	14-22.002
Rating the Applicant	14-22.003
Procedure for Qualification and Issuance of Certificate of Qualification	14-22.0041
Period of Validity of Qualification	14-22.005
Suspension, Revocation, or Denial of Qualification	14-22.012
Contractor Non-Responsibility Forms	14-22.0141 14-22.015

PURPOSE AND EFFECT: The definition of affiliate is being amended to clarify the inclusion of family members of directors and officers. Rule paragraph 14-22.002(1)(h), F.A.C., is amended to include a 30 day provision for the Department to act upon the application for qualification after determining the application is complete. Rule 14-22.003, F.A.C., is amended to include qualification factors in establishing the maximum capacity rating. Rule paragraph 14-22.0041(2), F.A.C., is amended to clarify the language regarding 30 days after the Department determining an application is complete as opposed to “receipt of a complete application.” Rule 14-22.005, F.A.C., is being amended to include provisions for a period of contractor qualification of less than 18 months, based upon an amendment of Section 337.14, Florida Statutes. Rule 14-22.012, F.A.C., is amended to include further clarification regarding suspensions. Subparagraph 14-22.0141(2)(b)1., F.A.C., is being amended to clarify language regarding extending a suspension, revocation, or denial until all required documentation is provided. A revised version of the Contractor Past Performance Report form also is being incorporated by reference under Rule 14-22.015, F.A.C. The proposed amendment has been revised in response to a rule development workshop conducted on January 22, 2004.

SUMMARY: Rules 14-22.0011, 14-22.002, 14-22.003, 14-22.0041, 14-22.005, 14-22.012, 14-22.014, 14-22.0141, and 14-22.015, F.A.C., are being amended. The proposed amendment has been revised in response to a rule development workshop conducted on January 22, 2004.

SPECIFIC AUTHORITY: 334.044 (2) FS.

LAW IMPLEMENTED: 337.16 (2) FS.

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

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

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

TIME AND DATE: 2:00 p.m., April 29, 2004

PLACE: Suwannee Room (Room 250), Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, 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:

14-22.0011 General Procedural Requirements.

(1) through (4) No change.

(5) Definitions.

(a) The following terms shall have the meanings set forth in Section 337.165, Florida Statutes: “contractor,” “contract crime,” “convicted,” or “conviction,” and “affiliate.”

(b) ~~For matters not involving contract crimes, the term “affiliate” also shall mean business concerns, organizations, or individuals where, directly or indirectly, either one controls or has the power to control the other, or a third party controls or has the power to control both. Indicia of control include interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the revocation, denial, or suspension or proposed revocation, denial, or suspension of a contractor which has the same or similar management, ownership, or principal employees as the contractor that was revoked, denied, or suspended or proposed for revocation, denial, or suspension. include those companies which:~~

- ~~1. Have the same person or entity holding at least five percent ownership interest in both companies.~~
- ~~2. Have a common director(s) or officer(s).~~
- ~~3. Have one company financing the other, or otherwise making financial advances to the other.~~
- ~~4. Have one company subscribing to all the capital stock of the other, or otherwise causing the incorporation of the other.~~
- ~~5. Have one company paying the salaries, expenses, or losses of the other.~~
- ~~6. Have the directors of one company directing the actions of the directors or officers of the other, so that the directors or officers of each company do not act independently of each other.~~
- ~~7. Have one business entity so closely allied with another business entity through an established course of dealings, such as lending of financial assistance or engaging in joint ventures, as to cause a public perception that the two firms are one entity.~~

(c) through (h) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.569, 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.165, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.011, Amended 12-20-89, 1-4-94, 7-1-95, 8-6-96, 1-17-99, 7-8-01, \_\_\_\_\_.

14-22.002 Regulations Covering Qualification of Contractors.

(1) Application for Qualification.

(a) through (g) No change.

(h) In those instances when the Department requests additional information, the Department shall process the application within 30 days after timely receipt of the requested

additional information or correction of errors or omissions. The Department shall act upon the application for qualification within 30 days after the Department determines that the application is complete.

(2) through (4) No change.

Specific Authority 334.044(2), 337.14(1), 337.167 FS. Law Implemented 337.14, 337.164, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(1),(2),(3), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.02, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, \_\_\_\_\_.

14-22.003 Rating the Applicant.

(1) No change.

(2) MCR.

(a) Definition and Formula. The MCR shall be the total aggregate dollar amount of uncompleted work an applicant may have under contract at any one time as prime contractor and/or subcontractor, regardless of its location and with whom contracted. The MCR shall be established is determined by the Department using the following formula, and consideration of general qualification factors listed in subsection 14-22.004(1), F.A.C.:

MCR = AF x CRF x ANW, in which

MCR = Maximum Capacity Rating

AF = Ability Factor (determined from the Ability Score as provided below)

CRF = Current Ratio Factor (determined as provided below)

ANW = Adjusted Net Worth (for rating purpose, determined as provided below).

(a)1. No change.

2. Ability Factor. The Ability Score for new and active applicants shall determine the AF as follows:

Ability Score	AF
64 or less	1
65-69	2
70-73	3
74-76	4
77-79	5
80-84	8
85-89	10
90-93	12
94-97	14
98-100	15

a. Notwithstanding the requirements in paragraph Rule Sections 14-22.003(2)(a), and subparagraphs 14-22.003(2)(a)1.a., 1.b., 1.c., 1.d., and subparagraphs 14.22.003(2)(a)2., F.A.C., above, the AF will be limited to a maximum of 4; if the applicant receives an ability score of 76 or less on the initial application, or receives an ability score of 76 or less on two or more Prime Contractor Past Performance Reports on file for projects completed during the 12 month period preceding the applicant’s fiscal year ending date for

which the Certificate of Qualification is being issued, unless the applicant's average ability score (inclusive of all scores received during the period) is 87 or greater. The use of a surety commitment letter to raise the MCR is prohibited under this limitation.

b. This AF limitation will remain in effect during the current qualification period.

(b) through 2. No change.

3. Except for the provisions of Rule Section 14-22.003(2)(a)2.a., F.A.C., above, use of a surety commitment letter to increase an applicant's MCR will only be considered if at the time of application the applicant's CRF is at least 1.00, as defined in subparagraph 14-22.003(2)(a)3., F.A.C., and the applicant has an Ability Score of 80 or higher. No event(s) during the qualification period subsequent to the ending date of the audited financial statements used for qualification will be considered in determining an applicant's CRF. However, the Department will consider the general qualification factors listed in Rule subsection 14-22.004(1), F.A.C., in consideration of an increase to the applicant's MCR through the use of a surety commitment letter.

(3) No change.

Specific Authority 120.53(1)(a), 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a) 1.-3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.167 FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(4), Amended 3-23-79, 11-10-82, 8-25-83, 1-9-84, 10-1-85, Formerly 14-22.03, Amended 12-20-89, 4-22-92, 1-4-94, 7-1-95, 7-2-95, 7-8-01, \_\_\_\_\_.

14-22.0041 Procedure for Qualification and Issuance of Certificate of Qualification.

(1) No change.

(2) Certificate of Qualification.

(a) Within 30 days after the Department determines an application for qualification is receipt of a complete application for qualification, the Department shall examine the application and grant a Certificate of Qualification, or issue an intent to deny the application.

(b) No change.

(3) No change.

Specific Authority 334.044(2), 337.14(1), 337.164, 337.165, 337.167 FS. Law Implemented 120.53(1)(a), 120.57, 120.62, 337.14, 337.164, 337.165, 337.167 FS. History--New 11-10-82, Amended 8-25-83, 10-1-85, Formerly 14-22.041, Amended 12-20-89, 1-4-94, 7-1-95, \_\_\_\_\_.

14-22.005 Period of Validity of Qualification.

(1) The applicant's period of qualification shall be 18 not exceed 16 months from the ending date represented by of the audited annual financial statements or audited interim financial statements included in the application. For good cause, the Department will approve a period of qualification less than 18 months. Prior to expiration of such period of qualification less than 18 months, the Contractor may request an extension of the period of qualification to 18 months, to which the Department will respond within 30 days of the request. An applicant must submit a new application 30 days prior to the expiration of its

~~their~~ current Certificate of Qualification to ensure no interruption in its ~~their~~ qualification to bid. The Certificate of Qualification shall expire no later than the expiration date of the certificate, regardless of whether or not a hearing has been requested concerning the Department's action on the application. Submission of an application shall not affect expiration of the Certificate of Qualification.

(2) Qualified applicants in good standing shall be notified of the impending deadline date for submittal expiration of their application for qualification at least 45 days prior to that before the expiration date. Failure of notification shall not affect the deadline date for submittal of applications for qualification.

(3) through (4) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.14, 337.164 FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(7), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.05, Amended 12-20-89, 1-4-94, \_\_\_\_\_.

14-22.012 Suspension, Revocation, or Denial of Qualification.

(1) The Department will, for good cause, suspend, revoke, or deny any contractor's qualification to bid. A suspension, revocation, or denial for good cause pursuant to this rule shall prohibit the contractor from bidding on any Department construction contract for which qualification is required by Section 337.14, Florida Statutes, shall constitute a determination of non-responsibility to bid on any other Department construction or maintenance contract, and shall prohibit the contractor from acting as a material supplier or subcontractor on any Department contract or project during the period of suspension, revocation, or denial. As provided in Section 337.16(2), Florida Statutes, such good cause shall include, but shall not be limited to, the provisions of paragraphs (a) and (b) below. When a specific period of revocation, denial, or suspension is not specified by this rule, the period shall be based on the criteria set forth in Rule subsection 14-22.0141(2), F.A.C.

(a) The contractor's Certificate of Qualification shall be suspended, revoked, or denied for at least one year when it is determined by the Department that any one of the following has occurred:

1. One of the circumstances specified under Section 337.16(2)(a), (b), (d), or (e), Florida Statutes, has occurred.

2. Affiliated contractors submitted more than one proposal for the same work. In this event the Certificate of Qualification of all of the affiliated bidders will be revoked or denied. All bids of affiliated bidders will be rejected.

3. The contractor made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any Department contract, including the Certification of Current Capacity to the Department.

4. The contractor defaulted on any contract, or a contract surety assumed control of financial responsibility for, any contract of the contractor.

(b) A contractor's Certificate of Qualification shall be suspended, revoked, or denied: for a period of 90 days upon a first occurrence, 180 days upon a second occurrence within three years of the first occurrence, or one year upon a third occurrence within three years of the first occurrence, when it is determined by the Department that one of the following has occurred:

1. The contractor failed to timely furnish all contract documents required by the contract specifications or special provisions, or by any state or federal statutes or regulations. If the contractor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the contractor's Certificate of Qualification shall remain suspended, revoked, or denied until the documents are furnished by the contractor.

2. The contractor failed to register, pursuant to Chapter 320, Florida Statutes, all motor vehicles operated in this state.

3. The contractor failed to notify the Department's Contracts Administration Office within 10 days of the contractor or any of its affiliates being declared in default or otherwise not completing work on a contract, or being suspended from qualification to bid or denied qualification to bid by any other public agency, semi-public agency, or private entity. This suspension will be in addition to any period of denial or revocation resulting from violation of (a) above.

(2) through (6) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 334.044(27), 337.11, 337.14, 337.16, 337.165, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.12, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 2-16-99, 7-8-01,\_\_\_\_\_.

14-22.0141 Contractor Non-Responsibility.

(1) No change.

(2) Determination of Contractor Non-Responsibility. The Contractor will be determined to be non-responsible and ineligible to bid on Department contracts for a period of time, based on the seriousness of the deficiency.

(a) Examples of factors affecting the seriousness of a deficiency are:

1. Impacts on project schedule, cost, or quality of work;
2. Unsafe conditions allowed to exist;
3. Complaints from the public;
4. Delay or interference with the bidding process
5. The potential for repetition;
6. Integrity of the public construction process; and
7. Effect on the health, safety, and welfare of the public.

(b) This rule does not limit the Department's ability to reject a bid submitted by a contractor, or cancel an award, for a particular contract based upon the contractor being non-responsible.

(3) No change.

Specific Authority 334.044(2) FS. Law Implemented 337.16(2) FS. History—New 4-11-95, Amended 12-7-97, 7-8-01,\_\_\_\_\_.

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-32	12/98	Application for Qualification
375-020-21	10/93	Status of Contracts on Hand
375-020-22	08/00	Certification of Current Capacity
700-010-25	<u>11/03</u> <del>03/01</del>	Contractor Past Performance Report

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anath Prasad, Director, State Construction Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2003

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Airport Licensing, Registration, and Airspace Protection

RULE CHAPTER NO.: 14-60

RULE TITLES: Purpose, Definitions, and Designation of Signature Authority

RULE NOS.:

Airport Site Approval	14-60.003
Airport Licenses and Registrations	14-60.005
Airfield Standards for Licensed Airports	14-60.006
Airspace Protection	14-60.007
Forms	14-60.009
	14-60.011

PURPOSE AND EFFECT: Rule Chapter 14-60, F.A.C., is being significantly amended. The rule chapter title is revised, individual rules are amended, the six charts are being deleted, and five new tables are being added. The proposed amendment is needed to comply with recent revisions to the Florida Statutes.

SUMMARY: Rule Chapter 14-60, F.A.C., is being amended.

SPECIFIC AUTHORITY: 330.29(4), 334.044(2) FS.

LAW IMPLEMENTED: 330.29, 330.30, 330.35, 333.065 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory cost has been prepared.

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

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

TIME AND DATE: 10:00 a.m., April 29, 2004

PLACE: Suwannee Room (Room 250), 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, 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:

#### AIRPORT LICENSING, REGISTRATION, AND AIRSPACE PROTECTION

14-60.003 Purpose, Definitions, and Designation of Signature Authority.

(1) Purpose. The purpose of this rule chapter is to promote safe civil aviation by eliminating hazards; to provide airfield standards for airports; to provide standards for airport marking and lighting sites and categories; to license and register airports, pursuant subject to the licensing and registration requirements of Chapter 330, Florida Statutes; ~~to provide for airport markings~~; and to promote flight safety by providing for airspace protection, pursuant to the requirements of Chapter 333, Florida Statutes.

(2) Definitions.

(a) The definitions in Section 330.27, Florida Statutes shall apply to this rule chapter.

(b) For purposes of this rule chapter the following additional terms are defined:

1. "Aeronautics" means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities, and air instruction. ~~"Airport" means any area of land or water, or any manmade object or facility located thereon, which is used, or intended for use, for landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for~~

~~airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.~~

2. "Airport Hazard" means any structure or tree or use of land that would exceed the federal obstruction standards and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft and for which no person has previously obtained a permit or variance. ~~"Airport (Land)" means a defined area of land, including any buildings and installations, normally used for the takeoff and landing of aircraft.~~

3. "Airport Hazard Area" means any area of land or water upon which an airport hazard might be established if not prevented. ~~"Displaced Threshold" means a threshold that is located at a point on the runway other than at the beginning of the runway. The area behind the displaced threshold is available for the landing rollout or the takeoff of an aircraft.~~

4. "Applicant" means a person submitting an application for private or public airport site approval or public airport license. ~~"Effective Length" means the distance from the normal, relocated, or displaced threshold to the opposite end of the runway.~~

5. "Approach Surface" means an area that surrounds and protects the landing approach area, which is longitudinally centered on the extended runway centerline and extends outward and upward from each end of the runway primary surface. ~~"Emergency Airport" means any landing area so designated by the Department for use under emergency or unusual circumstances.~~

6. "Coefficient of Friction" ("Mu") means a value that is an indicator of the resistance to motion of two moving objects or surfaces that touch. ~~"FAA" is the Federal Aviation Administration.~~

7. "Displaced Threshold" means a point on the runway beyond the threshold to re-designate the beginning portion of the runway available for landing, although the portion of pavement preceding a displaced threshold may be available for takeoffs in either direction and landings from the opposite direction. ~~A "Heliprot" means a designated landing area used primarily for the operation and basing of rotorcraft.~~

8. "FATO" means the designated "Final Approach and Takeoff" area for helicopter operations. ~~A "Helistop" means a designated landing area used for the operation of rotorcraft where no basing facilities are provided.~~

9. "IFR" means the Federal Aviation Administration (FAA) established "Instrument Flight Rules," under which aircraft operate when meteorological conditions, ceiling, and/or visibility exist that are below the minimums for flight under visual flight rules, incorporated herein by reference. ~~"Inactive Status" means any category of licensed airport not open to general operations and so noted as a condition in its license.~~

10. “Local Government” means a city or county and shall include political subdivisions as defined in Section 333.01(9), Florida Statutes. “Landplane” means any aircraft that operates strictly on land, from prepared surfaces of prescribed dimensions, as defined herein.

11. “Non-precision Instrument Runway” means a runway having an existing or planned instrument approach procedure using air navigation facilities with only horizontal guidance or area type navigation equipment for which a straight-in non-precision instrument approach procedure has been approved. “License Category” refers to one of the following categories of airports: public, private, limited, temporary or emergency.

12. “Obstruction” means any existing or proposed manmade object or object of natural growth or terrain that violates federal obstruction standards. “License Type” refers to the specific type of airport being licensed and could also be defined as one of the following: airport (land), heliport, helistop, seaplane base, STOLport, LTAport, vertiport, vertistop, or ultralight flightpark.

13. “Pavement Condition Index” (“PCI”) means a value that is an indicator of the integrity and viability of a runway surface with a focus on pavement cracking, swelling, rutting, and depressions. “Limited Airport” means an airport limited exclusively to the specific conditions listed upon the license.

14. “Precision Instrument Runway” means a runway having an existing or planned instrument approach procedure using an Instrument Landing System or a Precision Approach Radar. “LTAport” means a designated area used primarily for launching, docking, tethering and recovering lighter than air aircraft.

15. “Primary Surface” or “Runway Safety Area” means a defined surface area that surrounds and protects the landing area; the dimensions of which vary by type of landing area, weight of the landing aircraft, visibility, and the type of landing approach, surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway. This means an airport surface, free of obstructions, of dimensions prescribed in rule subsection 14-60.007(2), F.A.C., which includes the runway.

16. “Runway Safety Area” means a specified surface surrounding the runway that is prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway. “Private” means an airport used primarily by the licensee but is available for use by others upon specific invitation of the licensee. Aviation services may be provided if authorized by the Department. The amount and type of such aviation services provided are normally a function of local zoning.

17. “Structure” means any object, constructed or installed by humans, including, but without limitation thereof, buildings, towers, smokestacks, utility poles, and overhead

transmission lines. “Public” means an airport, publicly or privately owned, which meets minimum safety and service standards and is open for use to the general flying public. Goods and services may be provided to the general public if local zoning is appropriate for such commercial activity.

18. “Threshold” means the beginning of that portion of the runway available for landing. “Relocated Threshold” means a threshold that is located at a point on the runway other than at the beginning of the runway; the area behind which is no longer available for the landing or takeoff of aircraft.

19. “TLOF” means the designated “Touchdown and Liftoff” area for helicopter operations. “Rotorcraft” means a heavier than air aircraft that derives its support in flight principally from lift generated by one or more rotors.

20. “Transition Surface” means a surface area that surrounds and protects the lateral boundaries of the primary and approach surfaces, which extends outward and upward at right angles to the runway centerline and the extended runway centerline at specified ratios. “Runway” means a strip of land of prescribed dimension, either paved or improved, on which takeoffs and landings are effected, which is centered within the primary surface and may have one or two usable ends.

21. “Traverse Way” means any highway, roadway, waterway, railway, or other public or private surface transitway, that allows for the passage of mobile objects. “Seaplane Base” means a designated area of water of prescribed dimensions used or intended to be used for the takeoff or landing of aircraft where docking, mooring, or ramping facilities are available for use by seaplanes or amphibious aircraft.

22. “Utility Runway” means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less. “Special” is a term which will be used in conjunction with the site approval order or with the license category and type to limit or to authorize activities or services at airports because of aircraft performance, safety, social, economic or other considerations.

23. “VFR” means FAA established “Visual Flight Rules” under which aircraft operate when favorable meteorological conditions, ceiling, or visibility exist that are above the minimums for flight under instrument flight rules, incorporated herein by reference. “STOL (Short takeoff and landing) Aircraft” means an aircraft of special design, but with normal performance characteristics, enabling safe flight from a short field utilizing steep approaches and departures as normal aircraft operating procedures and not requiring unusual or special skills of the pilot in command.

24. “Visual Runway” means a runway intended solely for the operation of aircraft using visual approach procedures, with no planned straight-in instrument approach procedure designation. “STOLport” means a landing area designated

exclusively for the use of STOL aircraft, with landing area and approach zone dimensions compatible with aircraft performance characteristics.

25. "Temporary Airport" means an airport, publicly or privately owned, that will be used for a period of 90 days or less with no more than ten operations per day.

26. "Transitional Surface" means those surfaces which extend outward and upward at right angles to the runway centerline, extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces on a public use runway.

27. "Ultralight Flightpark" means an airport designated exclusively for the use of ultralight vehicles.

28. "Usable Width" means the prepared width of a landing area which can be safely used for takeoffs and landings and is centered within the primary surface.

29. "VFR" means Visual Flight Rules.

30. "Vertiport" and "Vertistop" are as defined in the current Federal Aviation Administration Advisory Circular 150/5390-3, (May 31, 1991) Vertiport Design, which is hereby incorporated herein by reference.

(3) The State Aviation Manager is authorized Secretary of Transportation hereby authorizes the District Secretaries and the State Public Transportation Administrator or their designated representative to issue site approval orders and licenses, and to accept registrations, in the name of the Department, site approval orders, the original license and license renewals for those airports subject to the licensing and registration requirements of Section 330.30, Florida Statutes, and to enforce the provisions of Chapter 330 333, Florida Statutes. Additionally, the State Aviation Manager is authorized to issue airspace obstruction permits subject to the requirements of Section 333.025, Florida Statutes, and to enforce the provisions of Chapter 333, Florida Statutes.

(4) All Department actions regarding the application for issuance, renewal, amendment, suspension, or revocation of site approval orders, and licenses and registrations shall be in accordance with Chapters 120 and 330, Florida Statutes, and this rule chapter. Additionally, all Department actions regarding the application for issuance of airspace obstruction permits shall be in accordance with Chapters 120 and 333, Florida Statutes, and this rule chapter.

Specific Authority 330.29(4)(3), 334.044(2) FS. Law Implemented 330.29, 330.30, 330.35, 333.065 FS. History—New 11-23-72, Amended 11-19-81, 1-8-85, Formerly 14-60.03, Amended 12-26-95, 2-11-97, \_\_\_\_\_.

#### 14-60.005 Airport Site Approval and General Licensing Requirements.

(1) Any proposed new airport requires an airport site approval order issued by the Florida Department of Transportation (Department). Site approval by the Department is required prior to the establishment of an operational airport. Owners or lessees of proposed airports, except temporary airports, shall obtain site approval prior to establishing a

proposed airport and an original license prior to operating aircraft to or from the airport. Site approval shall also be required if the license category is changed to a higher use and will be required for renewal of an expired airport license if there are major changed physical or legal conditions or if the license expired more than two years prior to the date renewal is requested.

(2) Renewal of an airport site approval order shall be required by the Department, whenever. An application for site approval and for an original license shall be made jointly in accordance with DOT requirements governing uniform licensing of Florida Airports, which are included in the Airport Site Approval and License Application, DOT Form 725-040-12, Rev. 10/96. The application together with an application fee of \$100.00 shall be filed with the appropriate District Office of the Department of Transportation, in care of the District Public Transportation Manager. Airports owned or operated by a public entity and hospital emergency helistops are exempt from all fees.

(a) The Department considers the airport site approval order to be invalid.

(b) The Department has revoked the airport site approval order.

(c) The license for an existing public airport has expired, without being renewed.

(d) The registration for an existing private airport has expired, without being re-certified.

(3) An application for airport site approval shall be made in the form and manner required by the Department. There are no monetary fees required for this airport site approval service. An applicant must have an option to buy or be the owner or lessee of the proposed airport property, with the following exceptions:

(a) Public Airport. Public airport site approval applicants shall submit a Public Airport Site Approval Application, DOT Form 725-040-12, Rev. 02/04, incorporated by reference under Rule 14-60.011, F.A.C., along with all required supporting documentation, to the following: State Aviation Manager, Florida Department of Transportation, 605 Suwannee Street, M.S. 46, Tallahassee, Florida 32399-0450. Unless required by another government agency a seaplane base applicant need not own or lease the surface landing area or the land area beneath the surface landing area if the area is in the public domain.

(b) Private Airport. Private airport site approval applicants shall complete an interactive internet-based registration application and certify that the information is true and correct to the best of their knowledge, using a Department electronic aviation facility data system. The approach zones need not be owned or leased by the applicant.

(c) Temporary Airport. Temporary, public or private airport site approval applicants, due to the limitations placed on their use for a period of less than 30 days and the restriction to no more than 10 operations per day, and due to a normal

short lead-time prior to the necessity for activating flight operations, shall have an expedited site approval process with each proposal evaluated by the Department based upon the application. Applicants for a temporary, public or private airport site approval should contact the Department at the earliest opportunity to present their requirements and request a expedited site proposal review and Department approval or disapproval. An application for site approval by a lessee shall be accompanied by a copy of the lease agreement.

(4) Conditions for Site Approval. The Department shall grant site approval for a proposed airport that complies with all the requirements of Section 330.30, Florida Statutes, subject to any reasonable conditions necessary to protect the public health, safety, or welfare. Whenever seaplane, helicopter, landplane or other type of aircraft operations can be safely carried on from the same property, only one application need be filed, provided the property is owned or leased by the same person. The application shall indicate the multiple nature of the operation. Where there are intervening owners or lessees of land between the operations, separate applications shall be filed with separate fees.

(5) Public Airport Site Approval. Public airport site approval applications shall be accompanied by the following supporting documentation to allow the Department to make its airport site approval determination and to ensure the applicant's satisfaction of conditions stated in subsection 14-60.005(4), F.A.C., above: The Department is authorized to license sites for temporary airports, pursuant to Section 330.30(2)(e), F.S., if the public health, safety, or welfare requires such action. For purposes of this subsection and subsection (6), examples of circumstances that would justify a temporary or "special" license are when unusual circumstances arise that require special air transportation facilities, such as infrequent major sports or recreation events, the need to dust crops in a particular area, or a natural disaster.

(a) Property Rights. Provide a copy of written legal confirmation of ownership, option to buy, or lease agreement for the real property that comprises the site on which the proposed airport would be located. Although adequate safety areas surrounding an airport site are important and a factor in the Department's approval determination, the applicant is not required to hold property rights over those real property areas that would constitute runway approach surfaces.

(b) Facility Diagram. Provide a scale drawing showing the size and dimensions of the proposed facility; property rights of way and easements; lighting, power, and telephone poles; location of building(s) on property and surrounding areas; and direction, distance, and height of all structures over 25 feet within 1,000 feet of the site perimeter.

(c) Geodetic Position. Provide a copy of a U.S. Geological Survey quadrangle map or equivalent with the proposed site plotted to the nearest second of latitude and longitude.

(d) Location Map. Provide a copy of a map or sketch, at least 8.5 x 11 inches in size, showing the location of the proposed site, with respect to recognizable landmarks and access roads to the site clearly marked.

(e) Aviation Facilities. Provide a list of names and mailing addresses for adjacent airports, including a sample copy of the letter submitted as proposal notification to these airports, and attach a copy of all airport reply correspondence.

1. For a proposed airport or seaplane landing facility, list all VFR airports and heliports within five nautical miles and all IFR airports within 20 nautical miles.

2. For a proposed heliport, list all VFR airports and heliports within three nautical miles and all IFR airports within 10 nautical miles.

(f) Local Government. Provide a copy of each of the letters of notification, showing the recipient's name and mailing address, that have been submitted to each zoning authority having jurisdiction, for the municipality and county in which the site lies or which is located within five nautical miles of the proposed airport site. The applicant shall also include a copy of all related correspondence from each city or county authority, including a statement that the proposed airport site is in compliance with local zoning requirements or that such requirements are not applicable.

(g) Adjacent Property. Provide a list of the names and mailing addresses of all real property owners within 1,000 feet of the airport site perimeter, or within 300 feet of the heliport or helistop site perimeter, including a single copy of the letter of notification submitted as notification to these adjacent real property owners, and include a copy of all real property owner correspondence in reply. If notification was provided by a local government as part of its review and approval process for the airport, provide written confirmation of the fact, in lieu of the above required submittal by the applicant.

(h) Public Notice. Provide a copy of the notice and of the letter, showing the recipient's name and mailing address, requesting publication of notification of the proposed airport site in a newspaper of general circulation in the county in which the proposed airport site is located and counties within five nautical miles of the proposed airport site. If this condition has been accomplished by a local government as part of its review and approval process for the airport, provide written confirmation of the fact, in lieu of the above required submittal by the applicant.

(i) Waste Sites. Provide written confirmation that the runway(s) on the proposed airport would not be located within 5,000 feet of any solid waste management facility for a proposed airport serving only non-turbine aircraft, or within 10,000 feet of any solid waste management facility for a proposed airport serving turbine-driven aircraft.

(j) Air Traffic Pattern. Provide written confirmation, including a graphical depiction, demonstrating that safe air traffic patterns can be established for the proposed airport with

all existing and approved airport sites within three miles of the proposed airport site. Provide a copy of written memorandum(s) of understanding or letter(s) of agreement, signed by each respective party, regarding air traffic pattern separation procedures between the parties representing the proposed airport and any existing airport(s) or approved airport site(s) located within three miles of the proposed site.

(k) Safety Factors. Provide written confirmation that the runway and taxiway design criteria and airport design layout of the proposed airport have appropriately taken into account consideration of the manufacturer's performance characteristics for the type(s) of aircraft planned to be operated; the frequency and type(s) of flight operations to be anticipated; planned aviation-related or non-aviation activities on the airport; and any other safety considerations, as necessary, to help ensure the general public health, safety, and welfare of persons located on or near the airport.

(l) Security Factors. Provide written confirmation that the proposed airport site owner or lessee will take appropriate steps to help protect the general public health, safety, and welfare through secure airport operations and that they will develop and implement adequate airport security measures to safeguard airport and aviation-related assets from misappropriation or misuse in order to prevent potential loss or public endangerment.

(m) FAA Approval. Provide a copy of the notification to the FAA regarding the proposed airport site and a copy of the FAA's airspace approval correspondence given in response.

(6) Private Airport Site Approval. Private airport site approval applications, as stated in paragraph 14-60.005(3)(b), F.A.C., above, are subject to the same requirements for approval as stated for public airport site approval applicants in paragraphs 14-60.005(5)(a)-(m), F.A.C., above. However, private airport site approval applicants are required only to respond to interactive inquiries on the specified Department private airport website. Private airport applicants are not required to submit a hard copy, written site approval application nor supporting documentation, as required of public airports. However, the Department recommends that all private airport site approval applicants retain for their records all of the original documentation related to the site approval application, in order to be able to respond to any possible future local, state, or federal inquiry. The Department is authorized to license an airport that does not meet all of the minimum standards, pursuant to Section 330.30(2)(e), F.S., if it determines that such exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such license shall bear the designation "special" and shall state the conditions to which the license is subject.

(7) Department Site Approval Process. The Department process for determining the approval or disapproval of an airport site application will vary by type of airport proposed, as

follows: The Department is authorized to license an airport having more than one runway if at least one runway meets the minimum standards of this rule chapter. The operation of aircraft from runways which do not meet minimum standards shall be at the airport and the aircraft operator's risk. The airport license shall designate which runways do not meet the minimum standards.

(a) Department Process for Public Airports. The Department shall conduct a review and detailed audit, as necessary, of the submitted airport site approval application and all required supporting documentation for accuracy and completeness. The Department shall notify the applicant of any incomplete application within 30 days of its receipt. The applicant shall have 90 days from the date of the Department notice to provide a complete application. Failure of the applicant to provide a complete application by the conclusion of this period shall result in the Department returning the application to the applicant without action. Site approval shall be granted for public airports only after the Department determines the conditions of subsection 14-60.005(4), F.A.C., above, are satisfied and only after favorable completion of a physical inspection of the proposed public airport site by Department authorized personnel.

1. Following issuance of the public airport site approval order, the Department shall place an announcement in the *Florida Administrative Weekly*. In order to allow for required administrative processing and publishing lead times, 45 days shall be allowed from the date of issuance until the effective date of the public airport site approval order.

2. From the date of publication of the *Florida Administrative Weekly* containing the public airport site approval order announcement, 21 days shall be allowed for the public to petition the Department for an administrative hearing pursuant to Section 120.57(1), Florida Statutes.

a. If a petition for administrative hearing is not filed, the public airport site approval order shall take effect 45 days after the date of its issuance.

b. If a petition for administrative hearing is filed, the public site approval order shall not take effect 45 days after the date of its issuance, but shall be held in abeyance pending the outcome of the administrative hearing. The Department will provide notification to the applicant stating that a petition has been filed and that the public airport site approval order effective date is pending the outcome of the administrative hearing.

3. Any public airport limited exclusively to the specific, reasonable conditions stated on its site approval order imposed by the Department to protect public health, safety, or welfare, shall be designated a "Limited Airport."

(b) Department Process for Private Airports. The Department shall conduct a review and detailed audit, as necessary, of the private airport site application information, submitted via the specified electronic internet-based website,

Incomplete information will preclude the Department from further processing and the applicant will be notified of application deficiencies. Site approval shall be granted for private airports only after the requirements of subsection 14-60.005(4), F.A.C., above, have been met. Physical inspection of the private airport site is not required.

1. The Department shall place an announcement in the Florida Administrative Weekly of the issuance of the private airport site approval order.

2. From the date of publication of the Florida Administrative Weekly containing the private airport site approval order announcement, 21 days shall be allowed to petition the Department for an administrative hearing pursuant to Chapter 120, Florida Statutes.

a. If a petition for administrative hearing is not filed, the private airport site approval order shall take effect 45 days after the date of its issuance.

b. If a petition for administrative hearing is filed, the private airport site approval order shall not take effect but shall be held in abeyance pending the outcome of the administrative hearing. The Department will provide notification to the applicant stating that a petition has been filed and that the private airport site approval order effective date is pending the outcome of the administrative hearing.

3. Any private airport limited exclusively to the specific, reasonable conditions stated on its site approval order imposed by the Department to protect public health, safety, or welfare, shall be designated a "Limited Airport."

(c) Department Process for Temporary Airports. The Department shall conduct a review and detailed audit, as necessary, of the information submitted by temporary, public or private airport applicants. Site approval shall be granted for temporary airports only after the requirements of subsection 14-60.005(4), F.A.C., above, have been met. Physical inspection of the site is not required. Additionally, due to the short lead time and duration, as well as urgent requirements often related to a temporary airport the Department will not publish announcement for public review and comment regarding its issuance of a temporary airport site approval order. Temporary airport site approval orders shall take effect concurrent with the date of issuance.

(8) Airport Site Approval Order.

(a) Issuance. The Department approval of a proposed public or private airport site shall be documented by issuance of an airport site approval order, which shall remain valid for a period of two years from its effective date and which can be extended for subsequent periods of two years for good cause. Special conditions imposed on the site approval order must be satisfied prior to airport licensing or registration. Prior to receiving site approval, an applicant shall:

1. Demonstrate that the site is adequate for the proposed airport.

2. Demonstrate that the proposed airport, if constructed or established, will conform to minimum standards of safety as defined herein.

3. Include documentation evidencing local zoning approval by the appropriate governmental agency. Where there is no local zoning, a written statement of that fact from the appropriate governmental agency official shall be submitted.

4. Provide the Department a list of all airports and municipalities within 15 nautical miles of the proposed airport and all property owners within 1,000 feet of the proposed airport or within 300 feet, horizontal measurement, of the primary surface of a proposed heliport or helistop.

5. Provide the Department with a copy of FAA airspace determination, if applicable, or, if not applicable, demonstrate that safe air traffic patterns could be worked out for the proposed airport.

6. Demonstrate that the runway(s) on the proposed airport will not be within 5,000 feet of any solid waste management facility, monofill, or sludge land spreading operation for airports serving only non turbine aircraft, or within 10,000 feet of any aforementioned facilities or operations for airports serving turbine driven aircraft.

(b) Revocation. The Department shall revoke a site approval order, if it determines: All airport sites must be inspected by a representative of the Department and a written report containing a recommendation shall be filed by the Department:

1. That the site has been abandoned as an airport site. If the inspection shows that the site is feasible and can meet the requirements set forth in subparagraphs 14-60.005(9)(a)1.-5., F.A.C., above, the Department shall issue a notice of intent.

a. A notice of intent shall state the name of the applicant; give the location of the airport site by latitude and longitude as well as by section, township and range; and state the type of license applied for and the earliest date a site approval order may be issued.

b. The notice of intent shall be published in a newspaper of general circulation in the county in which the proposed site is located. Additionally, the notice of intent shall be sent by certified mail, return receipt requested, to the County Commission of the county in which the proposed airport is to be located, to all airports and municipalities within 15 nautical miles of the proposed airport and all property owners within 1,000 feet of the proposed airport runway(s) or within 300 feet, horizontal measurement, of the primary surface of a proposed heliport or helistop.

e. Interested persons, in order to request a public meeting, must submit a written request to the Department (addresses specified in the Notice of Intent) within 20 days of such notification. Comments may also be submitted, in writing, during this time.

d. If requested in writing, a public meeting shall be conducted prior to the issuance of a site approval order or change of airport license category to a higher use.

e. If after the public meeting, if one is held, and in full consideration of any comments received, the Department determines that the proposed airport can comply with the standards set forth in subparagraph 14-60.005(9)(a)1. 6., F.A.C., and considering the airspace determination from FAA and "area of critical concern" approval from the Florida Department of Environmental Protection (if such approval or determination is applicable), the Department shall issue a site approval order.

f. The site approval order shall state:

(I) The name and mailing address of the applicant;

(II) The location of the proposed airport by geographical coordinates (latitude and longitude); section, township and range; and distance and direction from the nearest community; and

(III) Any special conditions which must be met prior to licensing.

2. That the site has not been developed as an airport within two years of the issuance of the site approval, unless revoked by the Department prior to expiration or development does not comply with conditions of the site approval. A site approval order shall remain in effect for two years from the date of issuance. At the request of the applicant, a current site approval order will be extended for an additional two years for good cause; provided that FAA airspace determination is also extended.

3. That aircraft have operated on the site prior to airport licensing or registration, except as required for an in-flight emergency. Except in an emergency, aircraft shall not operate to or from an approved site prior to the issuance of an airport license. Aircraft may use an airport site only after construction is complete, the airport is inspected by a Department representative, and an airport license is issued.

4. That the site is no longer usable for aviation purposes due to physical or legal changes in conditions that were the subject of the approval granted. The Department may revoke a site approval order if it determines, in accordance with Section 330.30(1)(e), F.S.:

a. That there has been an abandonment of a site as an airport;

b. That there has been a failure to comply with the conditions of the site approval order;

e. That a nonemergency aircraft operation has occurred on the site where the site was only approved for emergencies;

d. That because of a change in physical or legal circumstances, the site is no longer usable for the aviation purposes for which site approval was granted.

Specific Authority 330.29(4), 334.044(2) FS. Law Implemented 330.29, 330.30, 333.03(2), 330.39 FS. History—New 10-29-65, Amended 7-13-71, Revised 11-23-72, Amended 7-18-73, 4-18-76, 11-19-81, 1-8-85, Formerly 14-60.05, Amended 12-26-95, 2-11-97, \_\_\_\_\_.

#### 14-60.006 Airport Licenses and Registrations.

(1) Licensing and Registration Requirement. Except for the exemptions provided in Rule 14-60.003, F.A.C., above, or in event of an in-flight emergency, the owner or lessee of any airport in the state of Florida shall have either an airport license or airport registration prior to the operation of aircraft at the site. Application for a license or registration shall be made in a format and manner prescribed by the Department. There are no monetary fees required for airport licensing or registration services. Upon compliance with all conditions enumerated in the site approval order, a satisfactory final inspection by a representative of the Department, and payment of the required license fee, an airport license shall be issued subject to any conditions deemed necessary to protect the public health, safety, or welfare.

(a) Public Airport. Public airports shall be licensed after the site approval is granted by the Department, including completion of the public announcement and physical airport inspection process, if the Department finds the facility to be in compliance with all requirements for the license. The license shall be subject to any conditions that are necessary to protect the public health, safety, or welfare.

(b) Private Airport. Private airports shall be registered after the site approval is granted by the Department, including completion of the public announcement process, if the facility is in compliance with all requirements for registration, including self-certification by the registrant of operational and configuration data necessary to ensure compliance with Chapter 330, Florida Statutes, and this rule chapter.

(c) Temporary Airport. Temporary public or private airports shall be initially licensed or registered, respectively, after the site approval is granted by the Department, if the Department finds that the airport will not endanger the public health, safety, or welfare and the airport meets the temporary airport requirements established by the Department.

(2) Airport Licensing. The following provisions apply to airport licensing: The following categories of state airport licenses in descending order of use and fees are established:

(a) Each airport license shall show its effective date and expiration date, which shall be no later than one year after the effective date of the license. However, the Department is authorized to adjust the expiration date of a license to provide a maximum license period of 18 months if necessary to facilitate airport inspections, recognize seasonal operations, or improve administrative efficiency.

(b) The airport owner or lessee is responsible for requesting annual renewal of the airport license, coordinating an airport inspection, and correcting any airport deficiencies in sufficient time in advance to preclude license expiration. Written renewal requests shall be submitted to the Airport

Inspection and Safety Manager at the address above in paragraph 14-60.005(3)(a), F.A.C., by the public airport owner, lessee, or manager at least 90 days prior to the license expiration date.

(c) The Department or its authorized representative will coordinate with the airport owner, lessee, or manager to establish a date and time for the annual inspection. The airport owner, lessee, manager, or a designated representative of the airport shall be made available to accompany the inspector at the time of the inspection in order to participate in the airport inspection. The Department’s authorized representative shall have the authority to conduct an inspection of the airport at any time with or without advance notification to the airport owner, lessee, or manager and with or without being accompanied by the airport owner, lessee, manager, or designated representative.

(d) An airport license shall be renewed following a favorable physical inspection, if the Department finds the facility to be in compliance with all requirements for the license.

(e) Any anticipated change in ownership of the airport shall be reported, in writing, to the Airport Inspection and Safety Manager in the Department at the address in paragraph 14-60.005(3)(a), F.A.C., above, at least 90 days prior to the effective date of change of ownership or as soon as possible in order to initiate the license renewal process in the name of the new owner and to ensure the airport license is not allowed to expire.

(f) All airport licenses issued under this section, together with any conditions attached thereto, shall be posted in a prominent place at the airport, accessible to the public. Any limitations on the use of the airport shall be posted adjacent to or on the license.

(g) The Department shall only license an airport that meets established standards unless the Department determines that an airport’s exception to established standards is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation “Special” and shall state the conditions to which the license is granted.

(h) Any licensed airport limited exclusively to the specific, reasonable conditions stated on its airport license, necessary to protect public health, safety, or welfare, shall be designated a “Limited Airport.”

License Category	Fee
Public	\$100.00
Private	70.00
Limited	50.00
Temporary	25.00
Emergency	None Required

~~Each category shall include an airport type according to the following use: airport (land), heliport, helistop, seaplane base, STOLport, LTAport, vertiport, vertistop, and ultralight flightpark.~~

~~(3) Airport Registration. The following provisions apply to airport registration: All licensed public use category airports are subject to inspection at any time but shall be inspected at least once during each license period by a representative of the Department.~~

~~(a) The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system. The ability to re-certify registered airport data shall be available at all times by electronic submittal, using controlled access, via the Department interactive website.~~

~~(b) A private airport registration that has not been re-certified in the 24-month period following the last certification shall expire, unless the Department has adjusted the registration period for purposes of informing private airport owners of their registration responsibilities or promoting administrative efficiency.~~

~~(c) Registration of an airport shall remain valid provided specific contact information and airport data elements, as required by the Department, are periodically re-certified by the airport registrant; including data related to the airport owner/lessee and facility, e.g., owner/lessee name and mailing address, airport name and physical location address, phone, fax, e-mail, and number of runways with length, width, and surface type.~~

~~(d) Any registered airport limited exclusively to the specific conditions stated on its airport registration necessary to protect public health, safety, or welfare, shall be designated a “Limited Airport.”~~

~~(4) Private Airport “Licensing Option.” The following provisions are applicable to the option for a private airport to request airport licensing in lieu of airport registration: All public airport licenses shall expire no later than one year after the date on which the license was issued, except that the Department is authorized to adjust the expiration date to provide a maximum license period of eighteen months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency. If the expiration date is adjusted, the appropriate license fee shall be determined by prorating the annual fee based on the length of the adjusted license period. A temporary license shall expire not later than 90 days from the date of issuance. The expiration date shall be stated on the face of the license. Application for a license shall be made in accordance with Department requirements governing uniform licensing of Florida Airports, which are included in the current Airport License Renewal Application, DOT Form 725-040-13, Rev. 10/96. Upon application, a favorable inspection report indicating compliance with all applicable requirements and conditions, and submittal of the appropriate annual license fee, the~~

Department shall issue the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

(a) Any private airport with ten or more based aircraft may request to be licensed by the Department, in lieu of registration.

(b) Private airport owners shall provide written correspondence to the Airport Inspection and Safety Manager of the Department at the address in paragraph 14-60.005(3)(a), F.A.C., above, to request this option.

(c) Any eligible private airport, choosing this option, shall be subject to all of the inspection and licensing procedures contained in this rule chapter that are applicable to all licensed airports.

(d) Department airport licensing standards against which a private airport will be evaluated and will be held accountable in the inspection and airport licensing process shall be the same as those airport standards that are applicable to all licensed airports.

(e) In the case of a proposed new private airport choosing this option for inspection and licensing, the site approval process by the Department shall be in accordance with the procedures contained in this rule chapter for all registered private airports.

(f) Airports licensed according to this exception shall be considered private airports, as defined in Section 330.27, Florida Statutes, in all other respects and shall not be open for public use.

(g) Any private airport having been previously licensed at its request under this option, which is later unable to continue to comply with airport licensing standards or is unable to maintain the required number of based aircraft shall be reverted by the Department from a licensed airport to registered airport category.

(h) Any private airport having been previously licensed at its request under this option, which subsequently desires to withdraw its prior request to be licensed, shall provide written correspondence to the Airport Inspection and Safety Manager in the Department at the address in paragraph 14-60.005(3)(a), F.A.C., above, to request this private airport be reverted from a licensed airport to the registered airport category.

(5) Temporary Airports. The following provisions apply to temporary, public or private airports: All licensed private, limited, and emergency category airport licenses shall expire no later than five years after the date the license was issued.

(a) A temporary, public or private airport license or registration shall be valid only for less than 30 consecutive calendar days.

(b) A temporary, public or private airport license or registration shall not be renewable for any consecutive periods of activation. Recurring requirements for temporary, public or

private airport license or registration for an airport at the same general location will be considered by the Department on a case-by-case basis.

(6) Conditions for Revoking a License or Registration. The Department will revoke or refuse to allow or issue any airport license or license renewal, or any airport registration or re-certification, if the Department determines that any of the following conditions exist or apply: All licensed private, limited, and emergency category airports are subject to inspection at any time, but shall be inspected at least once during each license period by a representative of the Department.

(a) That the airport registration has not been accomplished within 15 days after the date of expiration.

(b) That the Department has not received an application for renewal of an airport license within 15 days after the date of expiration.

(c) That the site has been abandoned as an airport.

(d) That the airport does not comply with the conditions of the license, license renewal, or site approval.

(e) That the airport has become either unsafe or unusable for flight operations due to the physical or legal changes in conditions that were the subject of approval.

(7) All categories of licensed airports in an inactive status need not be inspected during their inactive status period. However, they shall be inspected to determine if they meet minimum safety standards prior to being cleared to resume normal operations.

(8) ~~Specific conditions will be attached to all private airports, limited airports, and emergency hospital helistops in accordance with the following provisions. Safety considerations and operational procedures will be added as conditions to any aviation facility license to insure the public health, safety, or welfare. Conditions implementing zoning restrictions related to airport operations will also be added as needed to avoid unnecessary disturbance of persons or activities on the ground.~~

(a) ~~At a minimum, the conditions for a private airport will include:~~

~~1. Aircraft operations are limited to use only by the licensee and invited guests. It is the responsibility of each invited pilot(s) to comply with federal flight requirements.~~

~~2. Traffic patterns and operational procedures are subject to review by the Department prior to licensing.~~

(b) ~~At a minimum, the conditions for a limited airport will include:~~

~~1. Specific limitation(s) will be listed.~~

~~2. Traffic patterns and operational procedures are subject to review by the Department prior to licensing.~~

(c) ~~At a minimum, the conditions for an emergency hospital helistop will include:~~

1. Operations are limited to the transfer of patients and medical supplies or flights related to emergency situations.

2. Traffic patterns and operational procedures are subject to review by the Department prior to licensing.

(9) All airport licenses issued under this section, together with any conditions attached thereto, shall be posted in a prominent place at the airport. Any limitations on the use of the airport shall be posted adjacent to the license. In the event there are no buildings at the airport, the license and any conditions shall be displayed at the office or place of business of the caretaker or manager.

(10) The Department is authorized by Section 330.30(2)(c)2., Florida Statutes, to require a new site approval for an airport if the license of the airport has not been reissued by the expiration date.

(11) If a license renewal application and all required fees have not been received by the Department within 15 days after a previous license expires, the Department is authorized to close the airport.

(12) The Department is authorized to revoke any license or renewal thereof or refuse to issue a license renewal if it determines, in accordance with Section 330.30(2)(f), Florida Statutes, that:

- (a) There has been an abandonment of the airport as such;
- (b) There has been a failure to comply with the conditions of the license; or
- (c) Because of change of physical or legal conditions or circumstances the airport has become either unsafe or unusable for the aeronautical purposes for which the license was issued.

Specific Authority 330.29(4), 334.044(2) FS. Law Implemented 330.29, 330.30 FS. History—New 10-29-65, Amended 7-13-71, Revised 11-23-72, Amended 6-23-76, 11-19-81, 1-8-85, Formerly 14-60.06, Amended 12-26-95, 2-11-97, \_\_\_\_\_.

14-60.007 Airfield Minimum Airport Standards for Licensed Airports.

Airports fulfilling the requirements of the FAA Federal Aviation Regulations, Part 139, incorporated herein by reference, airport certification program shall be considered to meet the minimum standards for licensed airports shown enumerated below. All airports licensed by the state of Florida, whether public or private, shall comply with the following minimum airfield standards. Federal Aviation Regulations, 14 C.F.R., Section 77.25 (March 1993), are hereby adopted as the standard for the criteria used for public use airport runways.

(1) Minimum Landing Area Dimensions for Licensed Airports. Runway design must take into consideration the manufacturer's performance characteristics for the type(s) of aircraft planned for flight operations, as provided by the airport applicant. Runway length must be compatible with the operational and weight characteristics of the aircraft in use. The final decision to attempt a takeoff or landing on a runway of any particular size is ultimately the responsibility of the pilot, who knows the aircraft's performance capabilities and

limitations. However, in order to promote a consistent level of safety throughout the Florida Aviation System, all airports licensed by the state of Florida must comply with the following minimum landing area dimensions, i.e., effective landing area length and minimum landing area width, for the type of landing area shown below: Public airports shall be shown on Departmental aeronautical charts and listed in airport directories. Private and emergency airports may be shown on Departmental aeronautical charts and listed in Departmental airport directories if they carry the appropriate notation. Limited airports will not be shown on Departmental aeronautical charts, unless they have unique landmark or emergency use value.

(a) Runway. The minimum effective landing area length shall be 2,400 feet and the minimum landing area width shall be 60 feet.

(b) Short Field Runway. The minimum effective landing area length shall be 800 feet and the minimum landing area width shall be 60 feet.

(c) Ultralight. The minimum effective landing area length shall be 300 feet and the minimum landing area width shall be 150 feet.

(b) Seaplane. The minimum effective landing area length shall be 2,500 feet and the minimum landing area width shall be 200 feet. Seaplane landing areas shall have a minimum water depth of three feet.

(b) Helipad. The minimum effective landing area length shall be 24 feet and the minimum landing area width shall be 24 feet.

Table 1		
Licensed Airports Minimum Landing Area Dimensions		
Landing Area Type	Effective Landing Area Length	Minimum Landing Area Width
Runway	2,400 feet	60 feet
Short Field Runway	800 feet	60 feet
Ultralight	300 feet	150 feet
Seaplane*	2,500 feet	200 feet
Helipad	24 feet	24 feet

\*Seaplane landing areas shall have a minimum water depth of three feet.

(2) Landing and Surface Areas for Licensed Airports. Minimum Effective Landing Strip Lengths.

(a) Applicability. The provisions of this section related to licensed airport landing and surface areas are applicable to airport licensing standards and do not apply to airspace obstruction evaluation or permitting provisions in Chapter 333, Florida Statutes, "Airport Zoning," or Rule 14-60.009, Florida Administrative Code, "Airspace Protection." The following minimum effective landing strip lengths and widths are hereby established (also see Charts I, II, III, IV, V, and VI):

EFFECTIVE LENGTH	PRIMARY SURFACE WIDTH	USABLE LANDING WIDTH
PUBLIC 2,000 Feet	250 Feet	60 Feet
PRIVATE 1,800 Feet	100 Feet	50 Feet
LIMITED 1,800 Feet	100 Feet	50 Feet
ULTRALIGHT	See 14-60.007(7)	

EMERGENCY Lengths and widths of emergency airports shall be determined by the Department considering the need for emergency service, the operating characteristics of the aircraft using the site, and the availability of alternative landing sites:

[Editorial Note: Delete Chart I Airport Licensing Minimum Dimensions and Approach Zones]

The primary surface of a public use paved runway is defined as extending 125 feet to both sides of the runway centerline and extending 200 feet beyond the end of each paved runway (Chart I). The primary surface of a public use sod or turf runway is defined as extending 125 feet to both sides of the runway centerline and ending at the end of the runway (Chart II). The primary surface of a private or limited runway is defined as extending 50 feet to both sides of the runway centerline and ending at the end of the runway (Chart III).

[Editorial Note: Delete Chart II Airport Licensing Minimum Dimensions and Approach Zones Private Airport (Paved and Turf).]

(b) Primary Surface. The “Primary Surface” is a defined surface area that surrounds and protects the landing area. The dimensions of the primary surface vary by type of landing area, weight of the landing aircraft, visibility, and the type of landing approach. Public airports which hold a current airport license, as of January 1, 1996, will maintain their license if they continue to meet the standards under which they were licensed.

1. Airport primary surfaces are rectangular in shape and run longitudinally along the length of the centerline and on either side of the runway. The elevation of any point on the airport primary surface is the same as the elevation of the nearest point on the runway centerline. The consistent width of the primary surface of a runway shall be that width required for the most precise approach for either end of that runway. The following licensed airport primary surface standards apply:

a. For a runway that is not paved, that is to be used by an aircraft of any weight, and that has a visual landing approach: the length of the primary surface is the length of the runway, terminating at the end of the runway and the width of the primary surface is 250 feet.

b. For a runway that is paved, that is to be used by an aircraft that weighs less than or equal to 12,500 pounds, and that has a visual landing approach: the primary surface extends the length of the runway plus 200 feet beyond each end of the runway and the width of the primary surface is 250 feet.

c. For a runway that is paved, that is to be used by an aircraft that weighs less than or equal to 12,500 pounds, and that has a non-precision instrument approach: the primary surface extends the length of the runway plus 200 feet beyond each end of the runway and the width of the primary surface is 500 feet.

d. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a visual landing approach: the primary surface extends the length of the runway plus 200 feet beyond each end of the runway and the width of the primary surface is 500 feet.

e. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a non-precision instrument approach with visibility greater than 3/4 mile: the primary surface extends the length of the runway plus 200 feet beyond each end of the runway and the width of the primary surface is 500 feet.

f. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a non-precision instrument approach with visibility equal to 3/4 mile: the primary surface extends the length of the runway plus 200 feet beyond each end of the runway and the width of the primary surface is 1,000 feet.

g. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a precision instrument approach: the primary surface extends the length of the runway plus 200 feet beyond each end of the runway and the width of the primary surface is 1,000 feet.

h. For an ultralight landing area, that is to be used by an ultralight aircraft, and that has a visual landing approach: the length of the primary surface is the length of the runway, terminating at the end of the runway and the width of the primary surface is 150 feet.

i. For a seaplane landing area with markers designating the waterway landing and takeoff area and that has a visual landing approach: the length of the primary surface is the length of the waterway, terminating at the end of the waterway and the width of the primary surface is 250 feet.

j. For a seaplane landing area with no markers designating the waterway landing and takeoff area: the primary surface is not applicable.

2. Helicopter primary surfaces have an area that coincides in size and shape with the designated helicopter FATO. The elevation of the heliport primary surface is a horizontal plane at the elevation of the established heliport elevation. The following licensed heliport primary surface standards apply:

a. For a heliport with a visual landing approach: the primary surface length and width are 42 feet each.

b. For a heliport with a non-precision instrument approach: the primary surface length and width are 500 feet each.

c. For a heliport with a precision instrument approach: the primary surface length and width are 1,000 feet each.

(c) Approach Surface. The approach surface is a defined surface area that surrounds and protects the landing approach area. The approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from each end of the runway primary surface. The approach surface horizontal component is trapezoidal in shape with the inner width equal to the width of the primary surface. The outer width flares outward to a greater width depending on the type of landing area, weight of the landing aircraft, visibility, and the type of landing approach. Additionally, the outer width of an approach surface to an end of a runway shall be that width required for the most precise landing approach for that runway end. The approach surface also has a vertical component given by a "ratio," such as 20:1, which means that for every 20 feet measured, horizontally, the vertical component increases one foot upward. A specific approach surface is applied to each end of each runway based upon the type of landing approach existing or planned for that specific runway end, meaning that different approach surface dimensions and ratios can exist at opposite ends of the same runway.

1. The following licensed airport approach surface standards apply:

a. For a runway that is not paved, that is to be used by an aircraft of any weight, and that has a visual landing approach: the approach surface ratio is 20:1, the length is 5,000 feet, the inner width is 250 feet, and the outer width of the approach surface is 1,250 feet.

b. For a runway that is paved, that is to be used by an aircraft that weighs less than or equal to 12,500 pounds, and that has a visual landing approach: the approach surface ratio is 20:1, the length is 5,000 feet, the inner width is 250 feet, and the outer width of the approach surface is 1,250 feet.

c. For a runway that is paved, that is to be used by an aircraft that weighs less than or equal to 12,500 pounds, and that has a non-precision instrument approach: the approach surface ratio is 20:1, the length is 10,000 feet, the inner width is 500 feet, and the outer approach surface width is 2,000 feet.

d. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a visual landing approach: the approach surface ratio is 20:1, the length is 5,000 feet, the inner width is 500 feet, and the outer width of the approach surface is 1,500 feet.

e. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a non-precision instrument approach with visibility greater than 3/4 mile: the approach surface ratio is 34:1, the length is 10,000 feet, the inner width is 500 feet, and the outer width of the approach surface is 3,500 feet.

f. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a non-precision instrument approach with visibility equal to 3/4

mile: the approach surface ratio is 34:1, the length is 10,000 feet, the inner width is 1,000 feet, and the outer width of the approach surface is 4,000 feet.

g. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a precision instrument approach: the approach surface ratio is 50:1 for the first 10,000 feet then the ratio is 40:1 for an additional 40,000 feet, the inner width is 1,000 feet, and the outer width of the approach surface is 16,000 feet.

h. For an ultralight landing area with an ultralight aircraft and that has a visual landing approach: the approach surface ratio is 15:1, the length is 2,500 feet, the inner width is 150 feet, and the outer width of the approach surface is 625 feet.

i. For a seaplane landing area with markers designating the waterway landing and takeoff area and that has a visual landing approach: the approach surface ratio is 20:1, the length is 5,000 feet, the inner width is 250 feet, and the outer width of the approach surface is 1,250 feet.

j. For a seaplane landing area with no markers designating the waterway landing and takeoff area: the approach surface is not applicable.

2. The following licensed heliport approach surface standards apply:

a. For a heliport with a visual landing approach: the approach surface ratio is 8:1, the length is 4,000 feet, the inner width is 42 feet, and the outer width of the approach surface is 500 feet.

b. For a heliport with a non-precision instrument approach: the approach surface ratio is 34:1, the length is 10,000 feet, the inner width is 500 feet, and the outer width of the approach surface is 5,000 feet.

c. For a heliport with a precision instrument approach: the approach surface ratio is 50:1, the length is 25,000 feet, the inner width is 1,000 feet, and the outer width of the approach surface is 6,000 feet.

(d) Transition Surface. The transition surface is a defined surface area that surrounds and protects the lateral boundaries of the primary and approach surfaces. The transition surface extends outward and upward at right angles to the runway centerline and the extended runway centerline at a specified ratio from the sides of the primary surface and from the sides of the approach surface. The transition surface has a vertical component given by a "ratio," such as 7:1, which means that for every 7 feet measured horizontally, the vertical component increases one foot upward. The horizontal component extends laterally a specified horizontal distance or to an unspecified horizontal distance at which a specified height of the vertical component is attained. The dimensions of the transition surface vary by type of landing area, weight of the landing aircraft, visibility, and the type of landing approach.

1. The following licensed airport transition surface standards apply:

a. For a runway that is not paved, that is to be used by an aircraft of any weight, and that has a visual landing approach: the transition surface is not applicable.

b. For a runway that is paved, that is to be used by an aircraft that weighs less than or equal to 12,500 pounds, and that has a visual landing approach: the transition surface is not applicable.

c. For a runway that is paved, that is to be used by an aircraft that weighs less than or equal to 12,500 pounds, and that has a non-precision instrument approach: the transition surface ratio is 7:1 and the horizontal length is to the point where the vertical height component is 150 feet.

d. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a visual landing approach: the transition surface is not applicable.

e. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a non-precision instrument approach with visibility greater than 3/4 mile: the transition surface ratio is 7:1 and the horizontal length is to the point where the vertical component is 150 feet.

f. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a non-precision instrument approach with visibility equal to 3/4 mile: the transition surface ratio is 7:1 and the horizontal length is to the point where the vertical component is 150 feet.

g. For a runway that is paved, that is to be used by an aircraft that weighs greater than 12,500 pounds, and that has a precision instrument approach: the transition surface ratio is 7:1 and the horizontal length is to the point where the vertical height component is 150 feet.

h. For an ultralight landing area with an ultralight aircraft and that has a visual landing approach: the transition surface is not applicable.

i. For a seaplane landing area with markers designating the waterway landing and takeoff area and that has a visual landing approach: the transition surface is not applicable.

j. For a seaplane landing area with no markers designating the waterway landing and takeoff area: the transition surface is not applicable.

2. The following licensed heliport transition surface standards apply:

a. For a heliport with a visual landing approach: the transition surface ratio is 2:1, which extends horizontally for a distance of 250 feet.

b. For a heliport with a non-precision instrument approach: the transition surface ratio is 4:1, which extends horizontally for a distance of 350 feet.

c. For a heliport with a precision instrument approach: the transition ratio is 7:1, which extends horizontally for a distance of 35 feet.

**Table 2**  
**Licensed Airports Landing and Surface Areas**

<u>Landing Area</u>		<u>Primary Surface</u>		<u>Approach Surface</u>				<u>Transition Surface</u>	
<u>Surface</u>	<u>Approach</u>	<u>Length</u>	<u>Width</u>	<u>Ratio</u>	<u>Length</u>	<u>Width</u>		<u>Ratio</u>	<u>Distance</u>
						<u>Inner</u>	<u>Outer</u>		
<u>Not Paved</u>	<u>Visual</u>	<u>End of Runway</u>	<u>250 feet</u>	<u>20:1</u>	<u>5,000 feet</u>	<u>250 feet</u>	<u>1,250 feet</u>	<u>N/A</u>	<u>N/A</u>
<u>Paved &amp; Aircraft Weight ≤ 12,500 Pounds</u>	<u>Visual</u>	<u>200 feet Beyond End of Runway</u>	<u>250 feet</u>	<u>20:1</u>	<u>5,000 feet</u>	<u>250 feet</u>	<u>1,250 feet</u>	<u>N/A</u>	<u>N/A</u>
	<u>Non Precision</u>		<u>500 feet</u>	<u>20:1</u>	<u>10,000 feet</u>	<u>500 feet</u>	<u>2,000 feet</u>	<u>7:1</u>	<u>150 feet Vertical</u>
<u>Paved &amp; Aircraft Weight &gt; 12,500 Pounds</u>	<u>Visual</u>	<u>200 Feet Beyond End of Runway</u>	<u>500 feet</u>	<u>20:1</u>	<u>5,000 feet</u>	<u>500 feet</u>	<u>1,500 feet</u>	<u>N/A</u>	<u>N/A</u>
	<u>Non Precision Visibility &gt; 3/4 Mile</u>		<u>500 feet</u>	<u>34:1</u>	<u>10,000 feet</u>	<u>500 feet</u>	<u>3,500 feet</u>	<u>7:1</u>	<u>150 feet Vertical</u>
	<u>Non Precision Visibility = 3/4 Mile</u>		<u>1,000 feet</u>	<u>34:1</u>	<u>10,000 feet</u>	<u>1,000 feet</u>	<u>4,000 feet</u>	<u>7:1</u>	<u>150 feet Vertical</u>
	<u>Precision</u>		<u>1,000 feet</u>	<u>50:1 Then 40:1</u>	<u>10,000 feet Then 40,000 feet</u>	<u>1,000 feet</u>	<u>16,000 feet</u>	<u>7:1</u>	<u>150 feet Vertical</u>
<u>Helicopter Final Approach and Takeoff Area (FATO)</u>	<u>Visual</u>	<u>42 feet</u>	<u>42 feet</u>	<u>8:1</u>	<u>4,000 feet</u>	<u>42 feet</u>	<u>500 feet</u>	<u>2:1</u>	<u>250 feet Vertical</u>
	<u>Non Precision</u>	<u>500 feet</u>	<u>500 feet</u>	<u>34:1</u>	<u>10,000 feet</u>	<u>500 feet</u>	<u>5,000 feet</u>	<u>4:1</u>	<u>350 feet Vertical</u>
	<u>Precision</u>	<u>1,000 feet</u>	<u>1,000 feet</u>	<u>50:1</u>	<u>25,000 feet</u>	<u>1,000 feet</u>	<u>6,000 feet</u>	<u>7:1</u>	<u>350 feet Vertical</u>
<u>Ultralight Area</u>	<u>Visual</u>	<u>End of Runway</u>	<u>150 feet</u>	<u>15:1</u>	<u>2,500 feet</u>	<u>150 feet</u>	<u>625 feet</u>	<u>N/A</u>	<u>N/A</u>
<u>Seaplane Marked</u>	<u>Visual</u>	<u>End of Runway</u>	<u>250 feet</u>	<u>20:1</u>	<u>5,000 feet</u>	<u>250 feet</u>	<u>1,250 feet</u>	<u>N/A</u>	<u>N/A</u>
<u>Seaplane Not Marked</u>	<u>Visual</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

(3) Thresholds and Displaced Thresholds for Licensed Airports. The threshold is the beginning of that portion of the runway available for landing. Any obstacle, natural or manmade, in the landing approach path to the runway that, because of its height, penetrates through the specified approach ratio to that runway constitutes an obstruction and a hazard to air navigation. Until the hazardous obstruction is removed, it shall be necessary to adjust the approach path by moving or displacing that threshold point down the length of the runway to some "Displaced Threshold" position, at which safe aircraft passage above the obstruction is assured. Approach Zones:

(a) For visual runways, a minimum 20:1 approach ratio to the threshold or displaced threshold shall be maintained. If the approach ratio is less than 20:1 to the threshold or displaced threshold, the runway shall be displaced the distance necessary to maintain a 20:1 ratio. If the displaced threshold location reduces the effective runway length below the minimum effective length requirements, that end of the runway shall be closed until the obstruction causing the displacement is removed. The approach zone for public airports is a zone based on a 20 to 1 approach slope, increasing gradually in width from 250 feet (125 feet either side of the extended runway centerline), at the ends of the primary surface (200 feet beyond the ends of each usable paved runway) to a width of 850 feet at a distance of 3,000 feet outward from the ends of the primary surface. On turf or sod runways, the approach zone has the same dimensions but starts precisely at the end of the runway (Charts I and II).

(b) For instrument runways, the approach ratio for determining the location of the displaced threshold shall be determined by the maximum instrument approach category: 20:1 for utility, non-precision approach runways; 34:1 for other than utility, non-precision approach runways; and 50:1 for precision approach runways. The approach zone for private and limited airports is a trapezoidal area increasing gradually in width from 50 feet on both sides of the extended runway centerline at the ends of each usable runway, to a width of 350 feet on both sides of the extended runway centerline at a distance of 3,000 feet outward from the ends of each runway. (See Chart III.)

(c) The approach zone for public, private and limited STOLports are the same as public, private and limited airports, respectively, with the following exceptions:

1. The approach zone for STOLports shall be clear of obstructions above a glide path of 15 to 1 from the ends of each primary surface.

2. For STOL aircraft the minimum effective runway length shall be taken from the appropriate performance source chart in the technical manual for the STOL type airplane which uses the STOLport. This chart gives the distance necessary to takeoff and clear a 50 foot obstacle at the maximum gross

weight of the aircraft at 90 degrees Fahrenheit. This distance will be the minimum effective runway length allowed for the STOLport.

(d) Vertiports approach and landing surfaces shall meet the standards defined in the current FAA Advisory Circular 150/5390-3, Vertiport Design.

(e) Except for Heliports, Helistops, Vertiports, Vertistops, LTAports, and STOLports, and Ultralight Flightparks, approach zones shall be clear of obstructions above a glide path of 20 to 1 from the ends of each threshold. When the approach zone to any runway crosses a road or railroad, the glide path shall pass at least 15 feet above any portion of a traffic lane, 17 feet above any portion of an interstate highway and at least 23 feet above the nearest rail of the railroad.

(4) Vertical Approach Clearance for Licensed Airports. When the landing approach to any runway crosses a road, railroad, traverseway, or waterway, the aircraft landing approach glide path shall provide the following minimum vertical clearance over ground objects: Public, Private, and Limited Airport (Land) Improvements.

(a) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where over-crossings are designed for a minimum of 17 feet vertical distance. All public airports (land) including those with agriculture applicators, shall comply with 1. through 5. below; public airports with other commercial aviation activity, shall comply with 1. through 8. below. Private airports shall comply with only 1. and 2. below unless special circumstances require additional facilities. Limited airports need not comply with 1. through 8. below unless safety considerations require otherwise.

(b) Fifteen feet for any other public roadway.

(c) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

(d) Twenty-three feet for a railroad.

(e) For a waterway or any other traverseway not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

1. Department or FAA approved markers shall be installed on both sides of unpaved runways at 200-foot intervals along the usable width (sides). Three markers shall be placed at five foot intervals on each side of the end of the runway, perpendicular to the centerline of the runway. Each set of three markers shall start at the corner of the runway and run towards the centerline of the runway on the endline. Displaced thresholds at non-paved public and private airports shall be marked with at least three markers on each side of the landing thresholds area where the effective length commences. The displaced threshold markers shall be no more than five feet apart, similar to the runway outline markers, and placed, clear of the runway, on a center line 90 degrees to the runway

heading (Chart IV). STOLports and LTAports shall be marked according to current FAA recommended markings, or as deemed appropriate by the Department.

[Editorial Note: Delete Chart IV Airport Licensing Runway Markings Turf Runway.]

- 2. Department or FAA approved type wind indicator(s) shall be installed.
- 3. Three point tie down facilities capable of withstanding wind gusts of 50 knots or greater shall be available for each unhangared based aircraft. Transit tie-downs shall be provided for at least five aircraft.
- 4. Suitable areas for automobile parking and for the visiting public shall be adequately marked or enclosed by fence to prevent accidents.
- 5. Except at ultralight flightparks, an approved 75 foot diameter airport circle marker (segmented circle) shall be installed at airports, without control towers, which have other than standard traffic patterns.
- 6. At least two accessible fire extinguishers shall be available which are capable of extinguishing all classes of fire.
- 7. A telephone shall be available at the airport.
- 8. Each airport shall have aircraft service on call during published hours.

(5) Runway Safety Areas for Licensed Airports. The runway safety area is a defined surface surrounding the runway designed to provide an additional measure of safety by being a specially prepared or a suitable ground surface intended to reduce the risk of damage to aircraft in the event of an undershoot, overshoot, or excursion from the runway. The following licensed airport runway safety area standards apply: Seaplane Bases.

(a) Runway (Not Paved). For a runway that is not paved, the runway safety area shall have a length equal to the length of the runway, terminating at the end of the runway, and the runway safety area shall have a width of 120 feet. No seaplane base shall be approved which requires aircraft to land or take off in close proximity to a bridge, public beach, power line, boat dock or other area which could constitute a danger to persons or property.

(b) Runway (Paved). For a runway that is paved, the runway safety area shall have a length that extends the length of the runway plus 240 feet beyond each end of the runway and the runway safety area shall have a width of 120 feet. If a seaplane is to be based, moored, or hangared at any given location in Florida, a Florida airport license must be obtained.

(c) Ultralight Landing Area. An ultralight landing area shall have a runway safety area whose length is 300 feet and width is 150 feet. All public seaplane bases shall have, in addition to the facilities required of land airports (where applicable), the following minimum services facilities:

- 1. At least three U.S. Coast Guard approved life preservers of the ring or throwing type, with sufficient line attached to each, shall be kept available during hours of operation.

2. An operable propelled boat (an outboard is permissible) shall be immediately available at all times when flights are in progress.

3. A dock or float, suitable for the type of seaplane using the base, shall be so located as to afford the maximum degree of safety in taxiing approach.

4. Suitable beaching facilities for the type of aircraft using the base shall be provided. Where an adequate ramp is maintained, the dock or float may be omitted.

5. A source of fresh water at the beaching area and sufficient hoses for washing aircraft shall be accessible.

6. An adequate supply of line for heaving, towing, securing, or rescue operation shall be kept available.

7. The minimum water depths and landing area lengths shall be posted at the dock area and noted.

(d) Heliport. A heliport shall have a runway safety area whose length extends 20 feet beyond the FATO and a width of 20 feet. Seaplane base standards as defined in the current FAA Advisory Circular 150/5395-1, Seaplane Bases, are incorporated herein by reference.

(e) Seaplane. A seaplane landing area shall be exempt from the requirement for having a runway safety area.

Landing Area Type	Safety Area Length	Safety Area Width
Runway (Not Paved)	End of Runway	120 feet
Runway (Paved)	240 feet Beyond End of Runway	120 feet
Ultralight	300 feet	150 feet
Heliport	20 feet Beyond FATO	20 feet
Seaplane	N/A	N/A

(6) Runway Pavement Standards for Licensed Airports, Heliports and Helistops.

(a) Pavement Coefficient of Friction. The “mu” value is an indicator of the resistance to motion of two moving objects or surfaces that touch. For runway pavement, the value indicates the capability of the runway surface, in contact with aircraft tires, to provide a suitable environment for aircraft braking action to enable the aircraft to come to a safe stop under wet weather conditions. All categories of heliports and helistops which hold a current license as of January 1, 1996, will maintain their license if they continue to meet the standards under which they were licensed.

1. Coefficient of friction values are variably determined based on the type of measuring equipment used to evaluate the pavement coefficient of friction as shown in Table 4, below.

However, regardless of the type of measuring equipment, when the “mu” value on a wet runway pavement surface is determined to be below the equipment’s “minimum” acceptable value for a distance of 500 feet and the “mu” value of the two adjacent 500-foot segments (before and after the minimum segment) are also below the equipment’s acceptable value for “maintenance” planning, the runway pavement shall be considered by the Department to not meet acceptable licensed airport standards.

2. Temporary remedies may include displacement of the threshold, shortening the length of the runway to no less than the minimum effective length as shown in subsection 14-60.007(1), F.A.C., or closing the runway until permanent corrective action can be completed.

3. Depending on the number of runways available and the extent of pavement coefficient of friction deficiencies, failure to implement temporary or permanent remedies will result in the Department revoking the airport license on the ground that the airport has become unusable due to unsafe conditions per paragraph 14-60.006(6)(e), F.A.C.

Table 4  
Licensed Airports Pavement Coefficient of Friction

Equipment Manufacturer Testing Meter Type	“Mu” Value at 40 mph Test Speed			“Mu” Value at 60 mph Test Speed		
	Minimum	Maintenance	New	Minimum	Maintenance	New
Mu Meter	0.42	0.52	0.72	0.26	0.38	0.66
K. J. Law Runway Friction Tester	0.50	0.60	0.82	0.41	0.54	0.72
Airport Equipment Company Skiddometer	0.50	0.60	0.82	0.34	0.47	0.74
Airport Surface Friction Tester	0.50	0.60	0.82	0.34	0.47	0.74
Airport Technology USA Safegate Friction Tester	0.50	0.60	0.82	0.34	0.47	0.74
Findley, Irving, LTD Gripmaster Friction Meter	0.43	0.53	0.74	0.24	0.36	0.64
Tatra Friction Tester	0.48	0.57	0.76	0.42	0.52	0.67
Norseman RUNAR (Operated at Fixed 16% Slip)	0.45	0.52	0.69	0.32	0.42	0.63

(b) Pavement Condition Index. The “Pavement Condition Index” (“PCI”) value is an indicator of the integrity and viability of a runway surface with a focus on pavement cracking, swelling, rutting, and depressions. For runway pavement, the value indicates the capability of the runway surface, in contact with aircraft tires, to provide a suitable environment for maintaining aircraft directional control, which may be adversely affected by runway undulations, or for

preventing foreign object damage. Foreign object damage can result from pavement spalling, which may dislodge small or large pieces of pavement that could severely damage aircraft control surfaces or propellers, penetrate aircraft wing or fuselage surfaces protecting flammable fuel tanks or other critical components, or be ingested into turbo-jet or turboprop-jet engine intakes with potential catastrophic loss of

power during critical phases of flight. All categories of heliports and helistops shall comply with the following minimum standards:

1. The standard measurement of PCI results in seven ratings from "Excellent" to "Failed," as shown in Table 5, below. Industry standards to objectively and consistently characterize and evaluate runway pavements are available from the American Society of Testing Material, based on FAA guidance, incorporated herein by reference. A runway PCI value of 10 or below indicates that the pavement has deteriorated significantly and the runway pavement shall be considered by the Department to not meet acceptable licensed airport standards. A minimum primary surface area shall be provided with length and width or diameter dimensions equal to at least 1.5 times the overall length of the largest helicopter intended to use the facility; however, a primary surface with 300 foot length and width or larger shall be accepted as sufficient to accommodate all helicopters.

2. Temporary remedies may include displacement of the threshold, shortening the length of the runway to no less than the minimum effective length as shown in subsection 14-60.007(1), F.A.C., or closing the runway until permanent corrective action can be completed. Centered within the primary surface shall be a minimum touch-down area with length and width or diameter equal to 1.5 times the design helicopter's undercarriage length or width whichever is greatest. However, a touch-down area with 100 foot length and width or diameter centered within a 300 foot primary surface, shall be sufficient to accommodate all helicopters. Smaller touch-down areas, not less than 20 feet in diameter, will be approved for heliports/helistops located on man-made structures if safe for proposed aircraft use. The perimeter of a heliport or helistop raised more than 30 inches above the surrounding surface shall have a horizontal safety net or shelf installed.

3. Depending on the number of runways available and the extent of pavement condition index deficiencies, failure to implement temporary or permanent remedies will result in the Department revoking the airport license on the ground that the airport has become unusable due to unsafe conditions per paragraph 14-60.006(6)(e), F.A.C. There shall be a minimum of one approach/departure corridor with floor and side planes as follows: the floor plane shall provide an 8 to 1 obstruction clearance and shall coincide in width with the required primary surface width at the boundary and proceed outward, flaring horizontally at a 10 to 1 rate on both sides until it reaches 500 feet wide. Where the floor plane is less than 500 feet wide, the side planes extending out from the floor plane or the primary surface shall provide a 2 to 1 obstruction clearance out to the required 500 foot corridor width. The approach/departure or takeoff paths for both public and private use heliports may curve to avoid objects or noise sensitive areas (Chart V).

Qualitative Rating	PCI Value	
	Minimum	Maximum
Excellent	86	100
Very Good	71	85
Good	56	70
Fair	41	55
Poor	26	40
Very Poor	11	25
Failed	0	10

[Editorial Note: Delete Chart V Heliport/Helistop Dimensions.]

4. There shall be markings consisting of any FAA approved design, including the load-bearing capacity of the touch-down area located on a structure, indicating the maximum allowable gross weight of a landing helicopter in thousands of pounds. The dimensions of the identifying markings shall be as large as practical, but not less than 10 feet in height. The markings should be oriented to be legible from the preferred direction of approach. To assure recognition, hospital heliports and helistops and emergency evacuation facilities should be marked according to the current FAA AC 150/5390-2.

5. A Department or FAA approved wind indicator shall be located so as to be clearly visible to landing helicopters but not within the primary surface and not a hazard to flight. Both the wind indicator and the takeoff/landing area shall be lighted for night operations.

6. Fire protection of at least two 30 pound dry chemical extinguishers (foam compatible) or equivalent (not required for limited or emergency helistops) shall be available. In addition, public heliports/helistops shall provide an effective safety barrier to protect the public from entering the primary surface and when the public heliport/helistop is located on top of a building, egress shall be provided at two separate locations.

7. Helistops at or adjacent to licensed hospitals shall require a helistop license, but there shall be no fee connected with such licensing of an emergency helistop provided the helistop is used only for the emergency transportation of patients, supplies, or flights related to emergency situations at the hospital or ready alert for medical assistance on call, and is not used for routine transportation of any person to or from the hospital.

8. Applications for elevated heliports or helistops on structures shall not be complete unless certification by a registered architect or professional engineer as to the maximum allowable rotorcraft weight is received.

9. Helicopters may land on licensed public use airports either on or off the landing surface within the airport boundaries at the discretion of the pilot when such landings are

in agreement with FAA rules and regulations and the airport's policies. The safety of approaches and departures shall be the pilot's responsibility.

10. Helicopters may land at private use airports, at the specific invitation of the airport owner, either on or off the airport runway, primary surface, or surrounding property if the helicopter landing site and the intervening property are owned or controlled by the airport owner. These landings shall be in accordance with FAA rules and regulations. The pilot of the helicopter will be responsible to insure the safety of approaches and departures. Zoning of the landing area must be appropriate.

(b) Any heliport/helistop conforming with FAA recommendations in the current AC 150/5390-2A (January 20, 1994) Heliport Design, shall be deemed in compliance with these rules.

(7) Airfield Improvements for Licensed Airports. All licensed airports shall comply with items (a) through (f), below. Licensed airports that include a seaplane landing area shall comply with items (a) through (g), below. Ultralight Flightparks.

(a) At least one 15-knot, 8-foot long windsock shall be installed at the airport. The windsock shall be lighted if the landing area is lighted. All public ultralight landing area shall be licensed if the site lies within five nautical miles of a publicly licensed or military airport. Any ultralight landing areas shall be licensed if there are more than 10 ultralight vehicles which operate regularly from the site.

(b) Any aircraft tie-downs or moorings used to secure aircraft shall be located outside of the landing area, primary surface, and transition surface areas. Public category ultralight landing areas shall be at least 500 feet in length and have at least 150 feet of usable surface width.

(c) Airport operators shall be required to establish and enforce effective control of unauthorized vehicles and pedestrian access within the aircraft movement areas. Any aircraft tie-downs or moorings used to secure aircraft shall be located outside of the landing area, primary surface, and transition surface areas. Private category ultralight landing areas shall be at least 500 feet in length and have at least 150 feet of usable surface width.

(d) Except at ultralight flightparks, an approved 75-foot diameter airport circle marker (segmented circle), including aircraft traffic pattern indicators, shall be installed at airports without control towers, which have other than standard traffic patterns. The segmented circle shall be lighted, if the landing area is lighted. Limited category ultralight landing areas shall be at least 250 feet in length and have at least 75 feet of usable surface width.

(e) At least two category 80-B-C, or higher, type fire extinguishers shall be available at the airport, readily accessible, operationally functional, bear an unbroken seal, and be locked in an area clearly identified to the public. Ultralight

landing area approach/departure corridors shall be clear of obstructions above a glide path of 10 to 1 from the edge of the landing area and of the dimensions as shown on Chart VI.

(f) An operational public telephone shall be available at the airport on a 24-hour basis and its location shall be clearly identified to the public. Department approved ultralight landing area boundary markers shall be required for all sites open to the public. Such markers must be highly visible from the air and of a type that will not damage an aircraft, such as soft cones made of rubber, plastic or other frangible material, automobile tires painted white, PVC pipe, gallon milk jugs filled with sand or water, or white colored paving stones that are flush with the turf of the runway.

(g) Airports having seaplane landing areas shall have at least one U.S. Coast Guard approved life preserver of the ring or throwing type with a retrieval line attached to each, readily available during hours of operation.

[Editorial Note: Delete Chart VI Ultralight Landing Area.]

(8) Additional Responsibilities for Licensed Airport. The following miscellaneous safety regulations shall be observed:

(a) Airport hazards determined to exist by the Department shall be removed. Hazards and obstructions as determined by the Department shall be marked.

(b) Obstructions shall be marked and/or lighted in accordance with Rule 14-60.009, F.A.C., and for those obstructions to which Section 333.025, Florida Statutes, applies, shall be permitted pursuant to that section, or may be subject to variance under a local zoning ordinance. Any part of a landing area which has become temporarily unsafe, or which for any reason is not available for use, shall be marked by appropriate indicators which clearly show the boundaries of such danger areas. If the airport is used for nighttime operations, such danger shall be marked with lights.

(c) The airport licensee shall notify the Department, in writing, at least 60 days before any scheduled construction, alteration, improvements, major repairs, or modification to the size or shape of the landing area is begun. Any such requirements made necessary by emergency or unforeseen circumstances shall be given verbally to the Department, as soon as possible, and be followed by written notification within seven calendar days. The airport licensee shall immediately notify the Department in writing whenever alterations, improvements, major repairs or the size or shape of the landing area is to be changed.

(d) Fencing, signing or other markings as required for safety at a licensed airport shall be installed by the airport owner or lessee.

(d)(e) The owner or lessee shall maintain the field in a usable condition. If the airport becomes dangerous or is not usable, it shall be the responsibility of the airport owner or lessee to mark the danger area by means of flags or to indicate the closing of such airport or runway by an "X<sub>2</sub>" clearly visible from the air or in an appropriate manner consistent with the

exigencies of the situation. The owner or lessee shall report, in writing, to the Department any planned or emergency work in progress on the field and any proposed changes or conditions which might render the field unsafe for use.

~~(e)(f)~~ The owner or lessee of a closed, unlicensed, or abandoned airport shall remove all airport identifying markers and wind indicators and shall place upon the runway or runway intersection a Department approved "closed runway" marking, which shall be in accordance with FAA Advisory Circular 150/5340-1G (September, 27, 1993), which is hereby incorporated by reference. This marker shall be maintained until the runway is no longer identifiable. The Department will ~~is authorized to~~ cause the airport to be marked if the owner does not properly mark it within 60 days of notice, and will ~~assess such costs to the owner or lessee.~~ The cost of such safety measures shall be filed as a lien against the airport property.

~~(g)~~ The Department is authorized to act to enforce the Federal Aviation Regulations and may request that NOTAMS (Notice to Airmen) be issued in accordance with FAA AC 150/5200-28A (October 29, 1993), which is incorporated by reference. By acceptance of the airport license the airport licensee agrees to allow the Department to issue NOTAMS for his airport when, in the opinion of the Department, flight safety so requires.

~~(h)~~ Owners or lessees of private and limited licensed airports shall take whatever action necessary to prohibit the use of the facility by aircraft of such horsepower, weight and/or performance characteristics that would result in dangerous landing or takeoff conditions to either the occupants of the aircraft or to persons or property in the vicinity of the airport.

(9) Airport Marking. The following airport marking requirements apply to licensed airports:

(a) Non-Paved Runway Markings. Markers shall be installed on both sides of non-paved runways at 200 foot intervals along the edge of the usable runway width. Three markers shall be placed at 10 foot intervals on each side of each end of the runway, perpendicular to the centerline of the runway. Each set of three markers shall start at the corner of the runway and run toward the centerline of the runway on the runway endline. Displaced thresholds at non-paved licensed airports shall be marked with at least three markers on each side of the displaced landing thresholds area where the effective runway length begins. The displaced threshold markers shall be no more than 10 feet apart, similar to the runway edge markers, and be placed, clear of the runway, on a centerline 90 degrees to the runway heading.

(b) Runway Designation Markings. Runway designation markings shall be white and shall consist of a number and shall be supplemented by a letter on parallel runways. The number shall specify the whole number to the nearest ten degrees of the magnetic azimuth when viewed from the direction of the approach. The size and spacing of the numbers and letters shall only be reduced when space is limited. All numerals except the

number "11" shall be horizontally spaced fifteen feet apart. The number "11" shall be spaced 27 feet apart. A zero ("0") shall not precede single digits. The numeral "1," when used alone, shall contain a horizontal bar at the bottom of the numeral to differentiate it from the runway centerline marking. Single digits shall be centered on the runway centerline. Double digits shall be centered on the runway centerline at the point that is halfway between the outer edges of the two numerals. Letters, such as "L," "C," or "R" for "Left," "Center," or "Right," shall be stacked beneath the number at a distance of 20 feet. The base of the letter or number shall start 20 feet from the threshold or 40 feet from threshold markings. Digits shall be 60 feet tall. The lines comprising the digits shall be five feet wide. Digits shall be proportional and must be between 6 and 7.5 feet wide.

(c) Runway Centerline Markings. Runway centerline markings shall be white and shall identify the physical center of the usable runway surface and shall extend the length of the runway. The stripes shall be 120 feet in length. The gaps shall be 80 feet in length. The minimum width of the stripe shall be 12 inches. The stripes shall begin 40 feet from the top of the runway designation marking.

(d) Threshold Bars. Threshold bars shall be white and shall delineate the beginning of the runway that is available for landing. The threshold bar shall be ten feet wide and shall extend across the width of the runway.

(e) Arrows and Arrowheads. Arrows and arrowheads shall be white and shall be used to identify a displaced threshold. Arrowheads, used in conjunction with a threshold bar to highlight the beginning of the runway, shall be placed five feet before the threshold bar and shall be spaced two feet apart for runways 60 feet wide, 3 feet apart for runways between 60 and 100 feet wide, and four feet apart for runways over 100 feet wide. Arrows shall be provided in the portion of the runway before the displaced threshold. Arrowheads shall be 45 feet long, 15 feet wide, and have stripes 3-feet wide. Arrow tails shall be 80 feet long and 18 inches wide. The overlap between the arrowheads and tails shall be five feet. Arrows shall be spaced 80 feet apart.

(f) Holding Position Markings (Paved Taxiways). Holding position markings for paved taxiways shall be yellow and shall identify the location where a pilot should be assured that there is adequate separation with other aircraft before proceeding onto the runway. Holding position markings consist of four lines and three spaces each 6-12 inches wide. The solid lines shall always be on the side where the aircraft is to hold. The two dashed lines and spaces shall be 3 feet long. The markings shall extend completely across the taxiway. The markings shall be installed perpendicular to the taxiway centerline, but may be angled as needed where two or more taxiways intersect at the hold line. Holding position markings shall be placed 125 feet from visual runways serving small aircraft, 150 feet from

visual runways serving large aircraft or with non-precision approaches, and 200 feet from runways with a precision approach.

(g) Holding Position Signs (Unpaved Taxiways). Holding position signs for unpaved taxiways shall be located outside the primary surface on the left side of the taxiway for a taxiway that is less than or equal to 150 feet wide or on both sides of taxiways that are greater than 150 feet wide. The sign shall consist of the runway designation numbers separated by a dash such that their arrangement indicates the direction to the corresponding runway threshold. The numbers shall be white on a red background. Mounting legs for each sign shall be frangible. The sign face shall be no less than 18 inches tall and 30 inches wide. The runway designation numbers shall be no less than 12 inches tall. The sign shall stand no more than 42 inches high.

(h) Helipad. Helipad markings shall be white and are used to mark the intended landing position within the FATO. The marking shall consist of an in-ground letter "H" oriented on the axis of the dominant landing and takeoff path. The "H" shall be a minimum of 19 feet tall and 12.5 feet wide. The vertical lines shall be 16 inches wide. The horizontal line shall be 32 inches wide.

(i) TLOF. TLOF perimeters shall be defined by a continuous white solid line 1 foot wide.

(j) FATO. FATO perimeters shall be defined with white dashed lines, which shall be 1 foot wide and 5 feet long and shall join to define the FATO corners.

(k) Closed Runway Markings. Closed runway markings shall be yellow and consist of an "X" centered on the runway centerline at each end of the runway and at 1,000 foot intervals. The "X" shall be 60 feet across and each arm shall be 10 feet wide and 25 feet long. If the "closed" runway intersects an "open" runway, an "X" shall be placed on each side of the "open" runway. Runway designation markings and runway threshold markings shall be obliterated on closed runways.

(l) Common Marking Requirements:

1. Glass beads shall be required for all permanent pavement markings.

2. All markings on light colored pavements shall be outlined with a black border six inches or greater in width.

(10) Airport Lighting. The Department does not require airports to be lighted. However, if an airport is lighted, it shall comply with the following standards. The minimum lights that shall be provided are threshold and runway end lights, displaced threshold lights, segmented circle lights, FATO or TLOF lights, and windsock lights. All lights shall be on flush or frangible mounts not more than 14 inches tall. The following airport lighting requirements shall apply to licensed airports:

(a) Runway Edge Lights. Runway edge lights shall emit white light except that yellow light is substituted for white light on the last 2,000 feet of an instrument runway, or one-half of the runway length, whichever is less, to indicate the caution zone.

(b) Threshold and Runway End Lights. Threshold and runway end lights shall be located on a line perpendicular to the extended runway centerline not less than two feet nor more than ten feet outboard from the designated threshold of the runway. The lights shall be installed in two groups located symmetrically about the extended runway centerline. For instrument runways, each group shall contain four lights; for other runways, each group shall contain three lights. The outmost light in each group shall be located in line with the runway edge lights. The other lights in each group shall be located on 10 foot centers toward the extended runway centerline. The lights shall be red on the inboard half and green on the outboard half.

(c) Displaced Threshold Lights. Displaced threshold lights shall be located outboard of the runway. The innermost light of each group shall be located in line with the runway edge lights, and the remaining lights shall be located outward on 10 foot centers on a line perpendicular to the runway centerline. The runway end lights shall be red all the way around. The displaced threshold lights shall be green on the outboard half. The inboard half of displaced threshold lights shall be yellow for an instrument runway and white for a visual runway.

(d) Taxiway Edge Lights. Taxiway edge light shall emit blue light.

(e) FATO or TLOF Lights. FATO or TLOF lights shall emit yellow light and shall define the limits of the FATO or TLOF. Both FATO and TLOF lights shall not be lit concurrently.

Specific Authority 330.29(4), 334.044(2) FS. Law Implemented 330.29, 330.30 FS. History--New 10-29-65, Revised 11-23-72, Amended 4-18-76, 11-19-81, 1-8-85, Formerly 14-60.07, Amended 12-26-95, \_\_\_\_\_.

~~14-60.009 Airspace Protection and Obstruction Marking and Lighting.~~

~~(1) Airspace Obstruction Permit. For purposes of Rule 14-60.009, the definitions in Section 333.01, Florida Statutes, shall apply.~~

(a) Any person proposing the erection, alteration, or modification of any structure that would exceed federal obstruction standards and which lies within the Department's jurisdictional area of responsibility, is required to obtain an airspace obstruction permit from the Department. However, such airspace obstruction permits shall be required only where the proposed site is within a ten nautical mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport licensed by the state for public use.

(b) An Airspace Obstruction Permit Application, DOT Form 725-040-11, Rev. 02/04, incorporated by reference under Rule 14-60.011, F.A.C., with all required supporting documentation shall be submitted to: Airspace and Land Use Manager, Florida Department of Transportation, 605 Suwannee Street, M. S. 46, Tallahassee, Florida 32399-0450.

(c) In determining whether to issue a permit, the Department shall consider:

1. The nature of the terrain and height of existing structures.

2. Public and private interests and investments.

3. The character of flying operations and planned developments of airports.

4. Federal airways as designated by the Federal Aviation Administration.

5. Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport.

6. Technological advances.

7. The safety of persons on the ground and in the air.

8. Land use density.

9. The safe and efficient use of navigable airspace.

10. The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdictions' comprehensive plans, and all other known proposed structures in the area.

(d) The Department shall not approve an airspace obstruction permit unless the applicant submits documentation showing compliance with the federal requirement for notification of proposed construction and a valid FAA aeronautical determination. No permit shall be approved solely on the basis that the proposed structure will not exceed federal obstruction or any other federal aviation regulation.

(e) The Department shall issue or deny an airspace obstruction permit within 30 days of receipt of a completed airspace obstruction permit application.

(f) Any airspace obstruction permit granted by the Department shall require the applicant's compliance with obstruction marking and lighting standards contained herein.

(2) Local Government Ordinance. Any local government airport zoning ordinance, concerning airport hazards, adopted in accordance with Chapter 333, Florida Statutes, shall require obstruction marking and lighting in compliance with the marking and lighting standards set forth in this rule chapter. The Department shall enforce the provisions of Chapter 333, Florida Statutes, as to airspace, obstruction marking and lighting and airport zoning.

(3) Local Government Variance. Any person filing a request with a local government for a variance from an airport zoning ordinance in order to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use property contrary to the airport zoning

regulations shall forward a copy of the application to the Department by certified mail, to the Airspace and Land Use Manager at the Department address in paragraph 14-60.009(1)(b), F.A.C., above. An Airspace Obstruction Permit Application, DOT Form 725-040-11, Rev. 10/96, shall be submitted to: Florida Department of Transportation, Aviation Office, MS 46, 605 Suwannee Street, Tallahassee, Florida 32399-0450. The Department shall grant or deny the permit in accordance with Chapter 333, Florida Statutes. The Department shall not approve a permit unless the applicant submits both documentation showing compliance with the federal requirement for notification of proposed construction and a valid aeronautical evaluation. No permit shall be approved solely on the basis that the proposed structure will not exceed federal obstruction standards as contained in Title 14 Code of Federal Regulations, Part 77 (FAR Part 77), Objects Affecting Navigable Airspace, Subpart C, Obstruction Standards, Sections 77.21, 77.23, 77.25, 77.28, and 77.29, or any other federal aviation regulation. Any airspace obstruction permit granted shall require compliance with the marking and lighting standards set forth in this rule chapter.

(a) The Department shall review the application for local government variance, file a response or waive the right of the Department to respond and provide a copy of the response to the applicant and local government within 45 days of receipt of the application.

(b) The local government shall provide to the Department a copy of its decision on the application for variance within ten days of issuance.

(c) Any variance granted shall require the applicant to install, operate, and maintain obstruction marking and lighting in compliance with the marking and lighting standards set forth in this rule chapter.

(4) Obstruction Marking and Lighting. Obstruction marking or lighting recommended in an FAA aeronautical determination shall be considered a requirement for the structure for compliance with Department standards. These standards shall be applied as follows: Any airport zoning regulation adopted in compliance with Chapter 333, Florida Statutes, concerning airport hazards shall require obstruction marking and lighting in compliance with the marking and lighting standards set forth in this rule chapter.

(a) Objects that exceed an overall height of 200 feet above ground level (AGL), including any appurtenances, or that exceed any federal obstruction standard will be required to be marked or lighted as specifically recommended by the FAA. Marking or lighting of objects lower than 200 feet AGL will be required within specific lateral boundaries of established low level aircraft routes.

(b) Objects which exceed 300 feet AGL up to 500 feet AGL within six nautical miles of a licensed public-use airport or military airfield, shall be marked or lighted in accordance with specific federal obstruction guidelines for those heights.

The white lighting required for daytime and twilight, for dual lighting with red/medium intensity white systems, shall be medium intensity. The system includes automatic sensors that change between red and white lighting and also vary the white strobe intensity between twilight and full day.

(c) Objects which exceed 500 feet AGL, within a six nautical mile radius of a public-use airport or military airfield, shall be marked or lighted in accordance with specific federal obstruction guidelines for those heights. The white lighting required for daytime and twilight, for dual lighting with red/high intensity white systems, shall be high intensity.

(d) Objects which exceed 800 feet AGL beyond the six nautical mile radius of public airports or military airfields, shall be marked or lighted in accordance with specific federal obstruction guidelines for those heights. The white lighting required for daytime and twilight, for dual lighting, shall be high intensity.

(e) Specific marking or lighting will not be required if both of the following circumstances exist:

1. The object is masked by surrounding objects marked or lighted under these standards, and

2. The FAA specifically recommends deletion of any marking or lighting because of the masking effect.

(f) When the FAA recommends dual lighting for objects less than the heights specified in this rule chapter because of the need for greater visual conspicuity, the more stringent FAA recommendations shall be required as a condition of the permit issued. Additionally, when an object does not exceed any federal obstruction standard, but because of its particular location, the FAA recommends marking and lighting, the FAA recommendation shall be required as a condition of the permit.

(5) Any person filing a request with a local government board of adjustment for a variance from airport zoning regulations in order to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of the airport zoning regulations shall forward a copy of the application to the Department by certified mail. The application shall be addressed to: Florida Department of Transportation, Aviation Office, MS 46, 605 Suwannee Street, Tallahassee, Florida 32399 0450.

(a) The Department shall review the application for variance, file a response or waiver with the board of adjustment and provide a copy of the response to the applicant within 45 days of receipt of the application.

(b) The board of adjustment shall provide to the Department a copy of its decision on the application for variance within 10 days of issuing its decision.

(c) Any variance granted by the board of adjustment shall require the applicant, at his own expense, to install, operate and maintain obstruction marking and lighting in compliance with the marking and lighting standards set forth in this rule chapter.

(6) As minimum standards, the Department hereby adopts the obstruction marking and lighting standards established in the current U.S. Department of Transportation, Federal Aviation Administration, Advisory Circular Number 70/7460-1H, (September 1, 1992) Obstruction Marking and Lighting (FAA AC No. 70/7460-1). These standards shall be applied as follows:

(a) Objects that exceed an overall height of 200 feet above ground level (AGL), including any appurtenances, or that exceed any obstruction standard of FAR Part 77, Subpart C will be required to be marked and lighted as is specifically recommended by the FAA in the Determination rendered to the applicant's Notice of Construction. Marking or lighting of objects lower than 200 feet AGL may be required within specific lateral boundaries of established low level aircraft routes.

(b) Objects which exceed 300 feet AGL up to 500 feet AGL within six nautical miles (NM) of a licensed public use category airport or military airfield, shall be marked and lighted in accordance with Chapters 4, 5, 6, and 13 of the current FAA, AC No. 70/7460-1. The white lighting required for daytime and twilight under Chapter 8, Dual Lighting with Red/Medium Intensity White Systems, shall be medium intensity. These five chapters provide the standards, methods, applications, and equipment specifications for dual lighting systems, which include flashing red beacons and red lights for night with white high or medium intensity strobe lights for daytime and twilight. The system includes automatic sensors which change between red and white lighting and also vary the white strobe intensity between twilight and full day.

(c) Objects which exceed 500 feet AGL within a six nautical mile radius of a public airport or military airfield, shall be marked and lighted in accordance with Chapters 4, 5, 7, 9, and 13 of the current AC 70/7460-1. The white lighting required for daytime and twilight under Chapter 9, Dual Lighting with Red/High Intensity White Systems, shall be high intensity.

(d) Objects which exceed 800 feet AGL beyond the six nautical mile radius of public airports or military airfields, shall be marked and lighted in accordance with Chapters 4, 5, 7, 9, and 13, of the current AC No. 70/7064-1. The white lighting required for daytime and twilight under Chapter 7, Dual Lighting, shall be high intensity.

(e) Marking or lighting specified may be deleted only if:

1. The object is masked by surrounding objects marked or lighted under these standards, and

2. The FAA specifically recommends deletion of any marking or lighting because of the masking effect.

(f) When the FAA recommends dual lighting for objects less than the heights specified in this rule because of the need for greater conspicuity the more stringent FAA recommendations shall be required as a condition of the permit issued. When an object does not exceed any FAR Part 77,

~~Subpart C Surface but because of its particular location, the FAA recommends marking and lighting, the FAA recommendation shall be required as a condition of the permit.~~

~~(7) The obstruction marking and lighting standards set forth in this rule chapter shall take effect on October 1, 1988. Any existing structure not in compliance on October 1, 1988 shall be required to comply with the obstruction marking and lighting standards whenever any change or alteration is made to the structure, whether temporary or permanent; whenever any existing marking requires refurbishment; whenever existing lighting requires replacement; or on or before November 15, 1995, whichever occurs first.~~

Specific Authority 330.29(4), 333.065, 334.044(2) FS. Law Implemented 330.29, 330.35, 333.025, 333.03(5), 333.07, 333.08 FS. History—New 11-23-72, Amended 4-18-76, 11-19-81, 1-8-85, Formerly 14-60.09, Amended 4-19-89, 12-26-95, 8-5-96, 2-11-97, \_\_\_\_\_.

14-60.011 Forms.

The following application forms are incorporated by reference into this rule chapter and shall be used to apply for an airspace obstruction permit or public airport site approval license:

FORM NUMBER	DATE	TITLE
725-040-10	(10/96)	Airspace Obstruction Permit
725-040-11	(02/04) (10/96)	Airspace Obstruction Permit Application
725-040-12	(02/04) (10/96)	Airport Site Approval and License Application
725-040-13	(10/96)	Airport License Renewal Application

Copies of these forms may be obtained by downloading from the FDOT Aviation Office website at <http://www.dot.state.fl.us/aviation/> or contacting the Aviation Office, Florida Department of Transportation, Haydon Burns Building, MS 46, Tallahassee, Florida 32399-0450.

Specific Authority 330.29(4), 334.044(2) FS. Law Implemented 330.29, 333.025, 333.07, 334.044(27) FS. History—New 11-19-81, Amended 1-8-85, Formerly 14-60.11, Amended 4-19-89, 12-26-95, 8-5-96, 2-11-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard C. Null, Aviation Operations Administrator

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ysella Llort, Acting Assistant Secretary for Intermodal Systems Development, for José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Construction Aggregates	14-103
RULE TITLES:	RULE NOS.:
Scope	14-103.001
Purpose	14-103.002
Definitions	14-103.003
Source Approval Requirements	14-103.004

Supplemental Source Requirements for Alternate Open-Graded Friction Course (FC) Aggregate	14-103.005
Quality Control Program	14-103.006
Approval Levels	14-103.007
Source and Product Certification Systems	14-103.0071
Producer Initiated Status Change	14-103.008
Suspension, Revocation, Expiration, or Denial of Source Approval	14-103.009
Producer Non-Responsibility	14-103.0091
Emergency Action	14-103.010
Sampling and Testing Methods	14-103.011
PURPOSE AND EFFECT: Rule Chapter 14-103, F.A.C., is being amended.	

SUMMARY: Rule Chapter 14-103, F.A.C., is being substantially amended, including the repeal of two rules and adoption of two new rules. The rule chapter title is revised.

SPECIFIC AUTHORITY: 334.044(2),(10)(c) FS.

LAW IMPLEMENTED: 334.044(10),(13), 337.105(1), 337.11, 337.164 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared.

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

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: James C. Myers, 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:

14-103.001 Scope.

This rule chapter provides the requirements and procedures for obtaining and maintaining Department approval of developed and operational construction mineral aggregate sources (mines and redistribution terminals) and their individual construction aggregate products which are intended ~~to be the source of specific construction aggregates~~ for use on Department projects. Department approval is based upon the existence of suitable raw materials; processing facilities capable of producing specified aggregate meeting Department specification requirements; and an effective Quality Control Program assuring the continuing quality and uniformity of that production. ~~This source approval recognizes the existence of suitable raw materials; processing facilities capable of producing specified aggregate meeting Department specification requirements; and an effective Quality Control Program assuring the continuing quality and uniformity of that~~

production. ~~Source approval for specific aggregates is the initial step in the Department's method of acceptance of aggregate for use on Department projects.~~

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended \_\_\_\_\_.

#### 14-103.002 Purpose.

(1) ~~This rule chapter sets out a standardized method for producers of construction aggregates to apply for, receive, and maintain Department approval of construction aggregate sources for use on Department projects. Source and product approval, and maintenance of an on-going effective Quality Control Program, as monitored by the Department's Quality Assurance procedures, the Department to approve sources for specific aggregates through a producer Quality Control Program (QCP). The Department's procedures for source approval and Quality Assurance, at the source and/or at the point of use or project, comprise the Department's primary methods of determining acceptability of accepting aggregate for use on Department projects.~~

(2) A Quality Control Program requires producers of construction materials to be responsible for their products; to establish, maintain, and implement their own individualized process control system; and to certify to the Department compliance of their product with applicable standards and contract specifications.

(3) Approval of a source by the Department and implementation of a Quality Assurance Program by the Department does not relieve the producer of the responsibility for compliance with the Quality Control Program or shipping aggregate which meet specifications. Contractors are also responsible for transporting and handling aggregate in a manner which will preclude significant variation in the properties of the aggregate. The Department reserves the right to test all aggregate at the point of use or at the project site to determine acceptability for use according to contract specifications.

~~(4) Nothing in this rule chapter is intended to prohibit the evaluation and approval of any operation not specifically covered within this rule, that in the opinion of the Department, complies with the criteria set forth in this rule.~~

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended \_\_\_\_\_.

#### 14-103.003 Definitions.

~~As used in this rule chapter, the term: The following words and phrases, as used in these rules, shall have the following meaning, except where the context clearly indicates a different meaning:~~

(1) "Addendum" means an approved revision to a written Quality Control Program. Addenda are in the form of an updated "record of changes" page, and the appropriate

replacement page(s) modifying existing sections of the Quality Control Program submitted under cover letter for review and approval by the Department.

(2) "Affiliate" means the same as defined in Section 337.165, Florida Statutes.

(3)~~(1)~~ "Aggregate" means a granular construction mineral material such as sand, limerock, limestone, gravel, shell, slag, and crushed stone;- manufactured materials such as expanded shales, slates, and clays; and recycled materials such as and crushed concrete, used as a component of mortars, concrete, or bituminous mixtures, or used alone as a base or sub-base courses, as a stabilizing material for base or subgrade, or as a loose assemblage for drainage, foundation, shore protection, bank protection, water barrier, filter material, bedding purposes, or for other construction materials and uses not yet developed, but which may have potential usage by the Department.

(4) "Certify" means that the producer affixes the statement "CERTIFIED FOR FDOT" or "CERT. FOR FDOT" to a shipping ticket to attest that this specific aggregate shipment was produced and shipped under a Department approved Quality Control Program and for which Quality Control tests indicate that the specific aggregate meets Department specifications and Department quality and uniformity requirements set out in Section (II)(B) of the Construction Aggregate Manual.

(5) "Construction Aggregate Manual" means the Department's manual entitled Construction Aggregate Manual, March 2004, prepared by the Department's Aggregate Control Unit, which prescribes standardized methods of outlining the limits and frequencies for Quality Control sampling and testing of construction aggregates and material quality criteria for Department approval levels, which is incorporated in this rule chapter by reference.

(6) "Contract Crime" means the same as defined in Section 337.165, Florida Statutes.

(7) "Convicted" or "Conviction" means the same as defined in Section 337.165, Florida Statutes.

(8)~~(2)~~ "Department" means the Department of Transportation.

(9)~~(6)~~ "Direct Shipment" means a specified quantity of material shipped and certified in its entirety from an approved Type I, Type II, or Type IV source to a single point of use, or a location or conveyance controlled by and identified by the end user in its Department approved Quality Control Program.

(11)~~(3)~~ "Independent Assurance Program (IAP)" Samples" or "IAS" means an independent evaluation of all the sampling and testing procedures used in the Quality Control Program and the Department's Quality Assurance Program. The Department will administer the IAP using personnel that do not otherwise have direct responsibility for the specific functions under review. samples and tests performed by Department personnel who do not normally have direct

responsibilities for Quality Control or Quality assurance sampling and testing. They are used for the purpose of making independent checks on the reliability of the QC-QA program, and are not used for determining the quality and acceptability of aggregate.

(8)(4) "Instructions for Coding of Aggregate Test Data for Computerization" means the Department's manual of directions for completing standardized forms for the recording of aggregate test data and listing of the Department's aggregate codes, Instructions for Coding of Aggregate Test Data for Computerization, prepared by Aggregate Control Unit July 1989, which is incorporated in this rule chapter by reference herein.

(5) "LBR" means Limerock Bearing Ratio, a quality test for base and sub-base materials.

(9)(6) "Lot" means an isolated quantity of a specified aggregate produced from a single source from in a single process operation.

(10)(7) "Lot-size" means a quantity of a specified material produced in a specified time period.

(a) The number of test results to be analyzed for compliance shall be the number of samples established by the Construction Aggregate Manual, but not to include results more than one calendar year old. For purposes of determining QC sampling frequencies, the data base lot-size shall be the most recent 30 test results available, but not to include results more than one calendar year old.

(b) The time period for which frequencies will be assigned shall be as specified in the Construction Aggregate Manual. For purposes of assigning QC sampling frequencies, the basic lot-size for which frequencies will be assigned, is one calendar week. However, for materials which exceed minimum specification requirements consistently, the lot-size may be increased in increments to a maximum of one calendar month.

(c) For purposes of material control, a lot shall consist of all materials of a specified grade or type that are produced over the time period specified in (b), above, from a single process at a mine, or received at a redistribution terminal, and are represented by test results obtained in accordance with assigned sampling frequencies. Lots that are to be evaluated and/or disposed of separately must be kept physically separated and distinct from other lots and material. For purposes of material acceptance, a lot-size shall consist of all materials of a specific grade or type produced during one calendar week (Monday through Friday).

(11)(8) "Manual of Florida Sampling and Testing Methods" means the Department's manual of standardized methods of sampling and testing of aggregates entitled "Manual of Florida Sampling and Testing Methods," which can be found on the World Wide Web (Internet) at <http://www11.myflorida.com/statematerialsoffice/QualitySystems/fs/tm/fstm.htm>, and (Topic No.: 675-050-027-e), as supplemented by the April 1997, version of Florida Method of

Test FM 1-T 084 and Florida Method of Test FM 1-T 085, which is incorporated in this rule chapter by reference herein. If a dispute arises, the test methods that were in force at the time of the project letting date shall control for point of use acceptance of any aggregate products used on a specific project.

(9) "Mineral Aggregate Manual" means the Department's manual entitled "Mineral Aggregate Manual, April 1997, Edition," prepared by the Department's Aggregate Control Unit, which prescribes standardized methods of outlining the limits and frequencies for Quality Control sampling and testing of minral aggregates and material quality criteria for Department approval levels, which is incorporated herein.

(12) "Origin" means a single location serving as a recognized supply of raw material for subsequent processing by a Department-approved Type IV source.

(13) "Origin Number" means a unique number assigned by the Department to a location serving as a recognized supply of raw material for identification purposes. The origin number is the property of the Department, and is non-transferable.

(14)(10) "Point-of-Production" means any physical operation, not including redistribution terminals, involved with removing and processing material from the earth or involved with processing material for use as aggregate, and shall be described as a mine.

(15)(11) "Point-of-Use" refers to that point where the aggregate is incorporated into the project (i.e., project site, asphalt or concrete plant, etc.).

(16)(12) "Producer" means any business or individual seeking to supply aggregate to the Department or contractors of the Department. The producer must have legal rights to mine the aggregate and must be responsible for the mining (where applicable), processing, quality control, stockpiling, load-out, and certification of the aggregate. Evidence of the mining rights of the producer shall be provided.

(17)(13) "Product" means a type, grade, or Department code of aggregate from a single process.

(18)(14) "Quality Assurance" or "QA" means the Department's management method of evaluating the effectiveness of the producer's Quality Control Program including the use of verification QA samples and test results, the IAP, and source inspections to monitor the quality, uniformity, and acceptability of aggregate.

(19)(15) "Quality Control" or "QC" means the producer's management method of controlling and making adjustments to mining materials processing techniques, and materials handling, stockpiling, and load-out, including the use of QC samples and tests and other available information to establish and maintain the specified quality and uniformity of a product.

(20)(16) "Quality Control Program" or "QCP" means the over-all system developed and used by a producer that ensures that a product will meet specified quality standards, including documentation supporting its effectiveness.

~~(21)~~(17) “Recycled Material Processing Site” means any physical operation involved with processing previously used or manufactured material for reuse as aggregate, not to include recycled asphalt pavement (RAP); ~~and is treated as a mine by the Department. Such a site is treated as a source by the Department.~~

~~(22)~~(18) “Redistribution Terminal” means a physical operation at a fixed location, not including the point-of-production, where aggregates are received from one or more approved sources, recombined from discrete haul units into common storage units, then redistributed for resale to more than one point of use mines for redistribution for use on Department projects.

~~(23)~~(19) “Source” means a physical location including mines, recycled material processing sites, and redistribution terminals, which has aggregate.

~~(24)~~ “Source Number” means a unique number assigned by the Department to a source for identification purposes. The source number is the property of the Department, and is non-transferable.

~~(25)~~ “Split Sample” means a representative portion of aggregate collected for testing purposes that is subdivided into two or four approximately equal sub-portions.

~~(26)~~ “Verification Sample” means a sample collected by the Department or its designated agent for testing purposes to validate the quality of an aggregate product.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(c),(13), 337.105(1), 337.11, 337.164 FS. History—New 10-20-92, Amended 11-3-97, \_\_\_\_\_.

14-103.004 Source Approval Requirements.

(1) A letter requesting source approval for specific aggregates shall be sent to the State Materials Engineer, Gainesville, Florida, and shall include:

(a) ~~The producer’s QCP Quality Control program.~~ The evaluation and acquisition of a deposit shall be the responsibility of the producer. During initial preparation, the producer must formulate and implement a QCP Quality Control Program meeting the requirements of Rule 14-103.006, F.A.C. The QCP program must be individualized for each source based on the deposit characteristics, mining and processing and rehandling techniques, and initial test data or past performance. ~~The QC program must be submitted in writing to the State Materials Engineer for approval.~~

(b) Product Identification. The producer must identify the specific product(s) for which source approval is sought, establish that the identified product(s) meet Department standards and requirements, and establish process control of each product through sampling and testing. The producer must be able to demonstrate each product’s quality and degree of control to the Department’s satisfaction. The specific type and minimum number of tests required to establish quality and degree of control of each product is found in ~~Section-~~ (I)(A) of the Construction Mineral Aggregate Manual.

(c) ~~Test Data.~~ Test Data submitted by the producer to the Department must indicate that each product from a single process meets the Department’s quality and uniformity requirements for Department specifications as provided given in Section- (II)(A) of the Construction Mineral Aggregate Manual. The minimum testing and sampling requirements of ~~Section-~~ (I)(A) of the Construction Mineral Aggregate Manual must be met upon application for approval by the producer. Subsequent requests for product approval must meet the requirements of subsection 14-103.0071(3), F.A.C.

(2) Continuing approval is contingent upon the effectiveness of the producer’s QCP Quality Control Program as evidenced by the quality and uniformity of the product(s) in accordance with ~~Section-~~ (II) of the Construction Mineral Aggregate Manual.

(3) It shall be the responsibility of the producer to ensure that all conditions of the QCP Quality Control Program are met ~~and complied with.~~

(4) All sources must pass initial on-site inspection by the Department, and subsequent monitoring and inspections, to verify compliance with this section and Rule 14-103.006, F.A.C. (QCP). Verification sSamples will may be obtained by the Department to monitor the effectiveness of the producer’s QCP as a check for correlation with samples submitted by the producer.

(5) ~~The producer shall identify the means that will be used to certify its aggregate shipments. The producer shall certify each individual conveyance of aggregate intended for use on Department projects, unless the Department provides a written waiver of this requirement. Certifications must be made at time of shipment and be provided to the end user or Redistribution Terminal at time of delivery. A copy of each type of certification shall be included in the QCP. The following information must appear on each document (shipping ticket) used to certify or transmit certification of aggregate for Department use, regardless of mode of transport: Each individual shipment, of aggregate intended for usage on Department projects, by whatever mode of transport, must be certified by the producer as being produced under their QC program and meeting all applicable specifications. The following information must appear on each certification document (ticket or bill of lading):~~

(a) Department Source Numbers (Mine Number and/or Terminal Number) and Origin Number, where applicable. FDOT Mine Number and/or Terminal Number.

(b) Date.

(c) Quantity, aAggregate description and corresponding Department material code (from the Instruction For Computer Coding of Aggregate Test Data).

(d) Producer Ticket Number, which must be sequential for each individual source certifying the material.

(e) The statement "CERTIFIED FOR FDOT" or "CERT. FOR FDOT" is to be placed only on those shipping tickets for specific aggregates that the producer certifies were produced under a Department approved QCP Quality Control Program and for which QC Quality Control tests indicate that the specific aggregate meets quality and uniformity requirements set out in Section (II)(B) of the Construction Mineral Aggregate Manual. Certification shall be made at time of shipment when the quantity of material is recorded on the shipping ticket.

(f) Aggregate for which known test results indicate non-compliance with specifications shall not be certified.

(g) The statement "DIRECT SHIPMENT CERT. FOR FDOT FROM MINE" is to be placed only on Redistribution Terminal shipping tickets used to deliver direct shipments of certified material through a Redistribution Terminal without additional testing in accordance with the following provisions:

1. The Redistribution Terminal must list this alternative method of delivery in its QCP and maintain at least one of its products on the full certification system.

2. The Redistribution Terminal must have on record written documentation that the specific end-user has identified this method of delivery in its QCP.

3. A direct shipment stored at a Redistribution Terminal shall be identified as to end-user and be kept isolated from other material.

4. The Redistribution Terminal must abide by storage, handling, and load-out procedures as described in its QCP.

5. The Redistribution Terminal must notify the Department by facsimile or electronic mail of the receipt of direct shipments.

6. The shipping ticket shall reference the producer ticket number (bill of lading) from the mine.

7. The statement "CERTIFIED FOR FDOT" or "CERT. FOR FDOT" shall not be used for direct shipments.

(6) Source Classifications. These classifications are based on the Department's ability and resources. In circumstances that preclude the Department's ability to perform its QA function at the source, the Department reserves the right to change a source classification with a minimum of one a month's notice given to the producer.

(a) Mines may be located in-state, out-of-state, or out-of-country.

1. Type I Mines are those mines located within Florida, and those out-of-state mines which are a one-way distance of less than 200 miles a half day (four hours) travel by roadway automobile from a Department District Materials Office. ~~These mines will be inspected weekly by the Department.~~ The mine may make direct shipments for use on ship directly to Department projects or make shipments for subsequent testing and re-certification by approved Redistribution Terminals or re-processing, testing, and certification by Type IV Mines, self certifying each shipment.

2. Type II Mines includes out-of-state mines, which are between 200 and 400 miles more than a one-way distance of a half day's (four hours) travel by roadway automobile from a Department District Materials Office ~~but are within an overnight's trip range.~~ These mines will be inspected quarterly by the Department. The mine may make direct shipments for use on ship directly to Department projects or make shipments for subsequent testing and re-certification by approved, or Redistribution Terminals or re-processing, testing, and certification by Type IV mines, self certifying each shipment. ~~QA samples will be obtained at the point-of-use or redistribution terminal.~~

3. Type III Mines includes out-of-state (and out-of-country) mines which are more than 400 miles a one-way distance of a day's (eight hours) travel by automobile or cannot be accessed by automobile from a Department's District Material Office. The mine may not make direct shipments for use on Department projects. The mine may make shipments for Department use only for subsequent testing and re-certification by approved Redistribution Terminals or re-processing, testing, and certification by Type IV Mines. ~~Shipments may only be made to Redistribution Terminals self certifying each shipment. The mine will be monitored at the redistribution terminal.~~ These mines must provide their QC test data substantiating their compliance with Section (II)(B) of the Construction Aggregate Manual, prior to a Redistribution Terminal shipping any of its material for Department use, even if the Redistribution Terminal has completed its own testing mine numbers, material identifications and QC test data for each shipment to a Terminal. These mines will be inspected annually by the Department, with inspections of out of country mines being at the producer's expense.

4. Type IV Mines are those mines located within Florida that receive and process their raw (or partially processed) material from other sources or origins. Only one origin or source of material may be used to produce any single product. The producer (Type IV Mine) must obtain notarized documentation of the origin of each shipment of raw material used in its production. The producer shall supply a report certified under the requirements of Chapter 492, Florida Statutes, that aggregates in the origin are free of deleterious materials in accordance with all applicable Department specifications. Material certification from approved sources will be accepted to establish suitability of the raw or partially processed material; however, the producer shall be responsible for final processing and testing of each individual product. Type IV Mines receiving raw material from other than approved sources shall confirm the acceptability of the physical, chemical, and mechanical properties prior to final processing and certification of the material. The producer may make direct shipments for use on Department projects and/or make shipments for subsequent testing and re-certification by approved Redistribution Terminals. Certification by the producer will require both the source and origin numbers. A

Type IV Mine may seek dual status as a Redistribution Terminal. In such cases, the Department will issue separate source numbers and the producer will be required to keep functions of the two sources separate and distinct.

(b) Redistribution Terminals may ~~only~~ be located in state or out of state if they are a one-way distance of less than 100 miles travel by roadway from a Department District Materials or Branch Office with the exception of those presently approved as of the date of the original adoption of this rule chapter. Redistribution Terminals may receive shipments for testing and re-certification from all approved sources. Prior to re-certifying the material for Department use, the Redistribution Terminal must perform additional QC tests for those aggregate characteristics subject to change due to handling, shipping, stockpiling, or other actions affecting aggregate characteristics. The Redistribution Terminal shall also perform additional QC tests as required by the Construction Aggregate Manual for material received from Type III Mines. Re-certification by the terminal will require both the Source Numbers (terminal and mine) and the origin number, if applicable. Redistribution Terminals may re-certify products to Department projects, end-users, Type IV Mines, or other Redistribution Terminals. Redistribution Terminals may also deliver direct shipments of certified material from Type I, Type II, or Type IV Mines without additional testing subject to the provisions of paragraph 14-103.004(5)(f), F.A.C. Approval of the terminal and the Quality Control Program at the terminal will be required, and the Department will assign a Terminal number. Material certification by the mine will be accepted; however, additional Quality Control tests for those aggregate characteristics subject to change due to handling, shipping, stockpiling, or other actions affecting aggregate characteristics, will be required at the time of reshipment from the terminal. Additional L.A. ("Los Angeles") Abrasion and Soundness QC tests will be required for materials from Type III mines. Certification by the terminal of materials for Department usage will require both mine and terminal numbers. These terminals will be inspected weekly by the Department.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended 10-22-02, \_\_\_\_\_.

14-103.005 Supplemental Source Requirements for Alternate Open-Graded Friction Course (FC-~~2~~) Aggregate.

Approval may be sought for coarse aggregate use in open-graded Friction Course (FC-~~5~~ ~~2~~) not specifically mentioned by name in the Department's Standard Specifications for Road and Bridge Construction. The following approval requirements are in addition to the requirements of Rule 14-103.004, F.A.C., for such alternate materials having characteristics which will result in a friction course providing acceptable long-term frictional

characteristics. Once approved, coarse aggregate may be submitted in all Department friction course mixes subject to specification requirements.

(1) A detailed description of the location within the overall mining site of the specific deposit proposed for use in an FC-5, open-graded friction course and a description of the unique characteristics of this deposit which can be used to differentiate it from other material occurring at the site. These characteristics will include such things as color, texture, hardness, physical or chemical properties, and other properties determined in accordance with the *Manual of Florida Sampling and Testing Methods* or in accordance with paragraph 14-103.006(14)(c), F.A.C. other recognized testing procedures in accordance with ASTM C295-85.

(2) An estimate of the quantity of material available.

(3) A determination of the acid insoluble material retained on the No. 200 mesh sieve (FM 5-510) must be submitted on at least five samples.

(4) Submission of any test data which the producer considers significant to potential friction characteristics, such as wear tests, hardness, crushed faces, angularity, and other relevant characteristics.

(5) The construction of a trial section of FC-5 pavement from the material will be required prior to a test section evaluation of the material as deemed necessary by the State Materials Office based on history of use and performance. The construction of the FC-5 trial section will be the sole responsibility of the producer. The State Materials Office will design the mix, monitor construction, obtain samples for evaluation, and test the friction characteristics of the surface. The trial section will be a minimum of 500 feet in length to accommodate friction testing, and shall be constructed on a roadway not maintained by the Department. No minimum traffic volume will be required for approval of trial sections.

(6) The information supplied by the producer, the inspection of the mine, and any the test results from a trial section ~~(when required)~~ will be reviewed by the State Materials Office. If the material indicates a potential for use in an FC-5 open-graded friction course (FC-2), the producer will be notified and a test section will then be selected by the producer for Department evaluation of the wear characteristics of the material. The State Materials Office will assist the producer in the selection of a test section which meets the following criteria:

- (a) Minimum 50 miles per hours speed limit.
- (b) Minimum 14,000 Average Daily Traffic.
- (c) No intersection, ramps, driveways or curves.
- (d) Minimum of four lanes.
- (e) Minimum length of 1,000 feet.

A control section meeting the test section criteria and adjoining the test section will be constructed with a Department approved aggregate.

(7) Following the selection of a suitable test section, the producer will then provide sufficient material and make the necessary arrangements with the pPaving cContractor for construction of the FC-5 test section and FC-5 control section. Any additional costs incurred by the pPaving cContractor for the test section and control section will be the responsibility of the producer. The Department's State Materials Office will design the mixes, monitor construction and obtain samples for evaluation.

~~(8)~~ Friction tests will be conducted by the State Materials Office on the test section immediately after construction, then monthly for two months and thereafter at intervals of two months until the accumulated traffic reaches six million (vehicles) coverage ~~and/or~~ the friction number stabilizes. Friction tests will be conducted at 40 mph in accordance with ASTM E274-85 using both E501 (Rib) and the E524 (Blank) test tires. ~~Additional testing at 60 mph will also be conducted by the State Materials Office if determined to be necessary.~~ In the event that the friction number falls below 30 or the test section is otherwise determined to be a threat to public safety within the first two years of construction completion, the evaluation will be terminated and the producer will bear the cost of removing the FC-5 and resurfacing the test section with an approved material. Prior to the construction of the test section, the producer must provide a signed and notarized statement agreeing to this responsibility.

~~(8)(9)~~ At the conclusion of the evaluation period ~~(six million coverage)~~ the friction number in the test section will be compared to friction numbers obtained in the control section and with friction numbers obtained using previously approved FC-5 ~~a~~Aggregates. If the test section is equivalent or better comparison is favorable, the State Materials Office will grant approval of the proposed aggregate contingent upon:

(a) The aggregate consistently maintaining the unique characteristics established by the State Materials Office that identify the specific deposit, ~~and-~~

(b) The friction course utilizing the aggregate consistently producing friction numbers and other performance characteristics that the Department considers equivalent to the test section ~~be acceptable~~ on a job by job basis.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(c),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended \_\_\_\_\_.

#### 14-103.006 Quality Control Program.

~~(1)~~ The QCP Quality Control Program developed by the producer for each source shall contain at a minimum the following elements:

~~(1)(a)~~ Identification of the Physical Location of Source. The identification of the physical location of the source must include a description of the property site, township, range, and section, and reference to the nearest identifiable points such as highways and towns, in order to find the location easily by public roadway ~~ear~~.

~~(2)~~ Location of Designated QC Office. The source shall designate the location of its QC office, which shall have responsibility for the administration of its QCP and the custodianship of QC records. When the QC office is located separate from the source, the identification must include the physical address and reference to the nearest identifiable points such as highways and towns, in order to find the location easily by public roadway. An office, so designated, shall be available to its own QC personnel and the Department during all QC operations. A copy of the QCP, Construction Aggregate Manual, and all pertinent excerpts and references of the Manual of Florida Sampling and Testing Methods, as well as current test data and control charts, shall be available at the QC office and to its personnel at all times.

~~(3)~~ Documentation of the Producer's Status. See subsection 14-103.003(16), F.A.C.

~~(4)(b)~~ A Production Flow Diagram. The production flow diagram must include a step-by-step written description or flow chart indicating the points involved with all aspects of mining, ~~and~~ processing, sampling, and testing the aggregate from natural state to finished product.

~~(5)(e)~~ Labeling Stored ~~of Stockpiles~~ of Aggregate. The labeling of stockpiles, storage silos, bins, etc., of aggregate must include the clear and precise labeling by sign ~~of the aggregate, or the placement of the aggregate in designated labeled areas identifying it as to grade and intended for~~ Department code use.

~~(6)(4)~~ Prevention of Contamination, ~~and Segregation, and Degradation~~. The handling and storage of aggregates shall be in such manner as to minimize any segregation or degradation and to prevent contamination by foreign materials. When stockpiles of aggregates cannot be stored sufficiently remote from each other to prevent mixing, suitable baffles shall be provided which will prevent intermingling of the different stockpiles.

~~(7)(e)~~ A Loading and Shipping Controls Program. A loading and shipping controls program must include a detailed description of the methods by which the product is to be loaded and shipped for use on Department projects, including safeguards against loading improper aggregate and contamination, degradation, or and segregation of aggregate. The program shall also include methods of ensuring cleaning of all shipping in clean haul units and accurate identification and certification of products.

~~(8)(f)~~ A Sampling Plan. A sampling plan identifying all ~~must contain a complete sampling description including specific sampling points and of locations, including intermediate points in process control even though the data will not be entered into the Department's computer program, as well as sampling of the finished product that is as closely representative of shipped material as possible sampling devices or techniques and sampling frequencies.~~ Sampling methods must be described in detail and much meet approval by

~~Department standards~~ in accordance with the *Manual of Florida Sampling and Testing Methods*, and must be based on standard statistical practices, including the designation of lots and sub-lots, if applicable.

~~(g) Minimum Quality Control. The sampling and testing frequencies are set by the Department in accordance with Sec. 41(B) of the *Mineral Aggregate Manual*.~~

~~(9)(h) Initial Quality Control. The Department will assign the initial sampling and testing frequencies for newly approved products until a history of test data is developed. The initial sampling and testing frequencies are assigned by the Department until a history of test data is developed. Any Quality Control sampling and testing frequency reduction must be applied for in writing to the Department and supported by applicable QC data.~~

~~(10) Minimum Quality Control. The Department will assign QC sampling frequencies for products on the Conditional QC Certification System in accordance with subsection 14-103.007(2), F.A.C. For products on the Full QC Certification System, the producer shall monitor its data to assure continued compliance with Section (I)(B) and Section (II) of the *Construction Aggregate Manual*. The producer shall notify the Department in writing of any prescribed changes in product status or QC sampling frequencies. Any reduction in QC sampling and testing frequencies must be pre-approved by the Department and be supported by applicable QC and verification data. The Department will assign QC sampling frequencies for products on the Full QC Certification System in accordance with Section (I)(B) of the *Construction Aggregate Manual*.~~

~~(11)(i) Analysis and Recording of Data.~~

~~(a)1- The producer must have the necessary equipment (i.e., computer calculator, etc.) to perform statistical analyses and maintain adequate records of all samples, tests results (including worksheets and sample weights), and other actions to verify the effectiveness of its QCP and to substantiate aggregate compliance with all applicable to Department specifications. These records shall indicate the nature and number of tests made, statistical analysis, the number and types of deficiencies found, the quantities approved and rejected, and the nature of the corrective actions taken, as appropriate. Producer test data is to be recorded in standardized format on appropriate. The Department will initially provide the appropriate computer coding forms and/or electronic submittal formats. Computer Coding forms initially provided by the Department.~~

~~(b)2- The QCP shall include a procedure that will chart, review, and analyze test data so as to effectively evaluate control of the process. The control charts and analyses shall be maintained current with each day's test results and be immediately available for review by QC and Department personnel. Other data must be maintained and available for inspection by Department personnel. As a minimum, the~~

Department will require control charts for gradation on critical sieves, and for other required tests for which the producer's initial approval data indicates less than the 100% compliance level shown in Appendices 1 through 21 of the *Construction Aggregate Manual*. The producer may determine the type of control chart most useful in the process; however, control charts using average and range will be considered the minimum acceptable in the absence of more advanced charting. The producer may chart process control tests in lieu of QC tests, provided that process control samples are taken from the finished product and are at a greater frequency than the QC tests. Control charts shall be maintained and visibly displayed by the Producer at the source on the aggregate characteristics designated by the Department; other data must be maintained and available. The QCP must include examples of the control charts used.

~~(c)3- All QC test results for materials produced under this rule chapter must be reported to the Department. The producer shall monitor its own data for compliance with Section (I)(B) and Section (II) of the *Construction Aggregate Manual*. When there is an indication that the process is not being adequately controlled in compliance with the QCP, the producer shall immediately take the necessary steps to adjust the process. All conforming and nonconforming test results representing materials which will be certified for use on Department projects must be recorded and all charts kept up to date. A copy of the QCP, *Mineral Aggregate Manual*, all pertinent excerpts of the *Manual of Florida Sampling and Testing Methods*, as well as current test data and control charts shall be available at the source at all times. The producer must monitor their own QC program. When there is an indication that the process is not being adequately controlled, the producer must immediately take the necessary steps to adjust the process.~~

~~(12)(j) Responsibilities of Personnel List. The producer must have a list describing the responsibilities and authority of all personnel involved with the QCP, including supervisors, analysts, technicians, and contact(s). All personnel should be informed of the exact nature of their duties as they apply to the program. Within 15 months of launch of the Aggregate QC Manager training course, an Aggregate QC Manager must be designated as having control over the QCP, and a QC technician designated for each mine. A copy of the QCP shall be on site at the source and available for review by all source personnel during all hours of operation. The Aggregate QC Manager must: A person must be designated as having control over the QCP.~~

(a) Have full authority to act as the source's agent to institute any and all action necessary for the successful implementation of the QCP.

(b) Fluently speak and understand English.

(c) Be on site at the source or be available upon four hours notice to administer the QCP.

(d) Be qualified as an Aggregate QC Manager through the Department's Construction Training Qualification Program.

~~(13)(k)~~ A Plan for Dealing with Control Failures. Control failures are defined by the producer in the QCP to deal with those failures in the QCP administration that may lead to material not complying with Department specifications and standards, or when production under the QCP must be halted to resolve problems leading to product not meeting the specifications. The producer must submit a contingency plan in the event of test results indicating a control failure, to include the following three points:

~~(a)1-~~ Notification of the Department as—As soon as results indicating a control failure results are known, the Department is to be notified.

~~(b)2-~~ Investigation.—An investigation to determine the extent and location of the cause of the control failure.

~~(c)3-~~ Resolution. Corrective action will be taken to eliminate the cause of the failure.

4. FDOT Notification. The Department shall ~~will~~ be notified in writing as to the corrective actions taken to assure quality and the disposition of aggregate represented by the control failure. This written notification will become part of the QCP.

1. Corrective actions need not be in the form an Addendum if no changes are being made to the QCP; however, documentation of corrective actions, to include maintenance logs, process control reports, or other supporting documentation must be provided. The Department will notify the producer of unacceptable submittals that are not in compliance with this rule chapter within five business days of receipt. Addenda that do not comply with the provisions of this rule chapter will be rejected.

2. Procedural steps to detect and prevent future occurrences of the conditions leading up to the control failure should be addressed through Addenda to the QCP. Addenda shall consist of a cover letter explaining the corrective action, an updated "record of changes," and the appropriate revised pages to the QCP. Addenda are subject to review and approval by the Department. The Department will notify the producer of unacceptable submittals that are not in compliance with this rule chapter within five business days of receipt. Addenda that do not comply with the provisions of this rule chapter will be rejected.

~~(14)(f)~~ Testing.

~~(a)1-~~ Laboratory. Each source must designate either its ~~their~~ own laboratory and/or a commercial laboratory for the performance of QC testing. Laboratories so designated must be equipped to run all applicable tests with equipment and technicians meeting Department standards. A list of testing equipment and facilities meeting Department requirements must be submitted. Only a Department approved laboratory shall be used for QC testing. Laboratories shall be qualified under one of the following and have current Department

approval during testing of Department products: If the laboratory has not been inspected for compliance with Department methods, as specified in Section 14-103.006(1)(i)3., it must be inspected and found satisfactory prior to approval. Records on instrument calibration and maintenance, sample collection and analyses times must be maintained at the laboratory. The Department may require a demonstration of the accuracy of the equipment.

1.2. QC Technicians. QC technicians must be designated and identified by the producer and include ~~with~~ a list of qualifications; they must have successfully completed the Department's Construction Training Qualification Program for Aggregate Technicians. QC technicians must successfully participate in the Department's IAP in order to remain qualified, be capable of running all applicable tests, and must demonstrate proficiency to the Department and be certified by the Department for test procedures as applicable.

2.3. Methods. Testing or sampling methods and ~~the~~ equipment, technicians, and procedures to be used as the basis for producer certification of materials must be described in detail and must be by standard Department methods in accordance with the *Manual of Florida Sampling and Testing Methods* (sections pertaining to aggregates), incorporated by reference under subsection 14-103.003(11), F.A.C., or by methods published as standards by the American Association of State Highway and Transportation Officials, or as incorporated in Standard Methods, American Society for Testing and materials, or the Construction Aggregate Manual incorporated by reference under subsection 14-103.003(4), F.A.C.

~~(8)~~ Alternative testing methods and procedures may be used by the producer when such procedures provide, at a minimum, the quality control required by the program. Equivalent, alternative methods must be approved by the Secretary of the Department as meeting the required QC. Prior to utilizing such alternatives the producer must describe the changes proposed in a written proposal and demonstrate that their effectiveness is equal to or better than the standard Department procedures in the Manual of Florida Sampling and Testing Methods. Such approval of alternate methods shall be based upon a technical demonstration, through comparison of analyses of replicate samples, that the proposed alternate method measures the relevant characteristics with the same degree of accuracy as the approved method. Prior to utilizing such alternatives the producer must describe the changes proposed in a written proposal and demonstrate that their effectiveness is equal to or better than the standard Department procedures in the Manual of Florida Sampling and Testing Methods. In the case of disputes as to whether certain procedures provide equal control, the procedures specified in the Manual of Florida Sampling and Testing Methods required by the Department shall apply.

(d)4- Turn-Around-Time. All producers must state the period of time it will take for test results to be available at their QC office and to be reported to the Department inspection personnel in accordance with the limits of Section- (I)(C) of the Construction Mineral Aggregate Manual.

~~(15)(m)~~ Identification of Aggregate. Each producer must furnish a list of aggregate grades, product number, or other identification of aggregate ~~it they produce~~ or redistributes under an approved QCP and intends to certify ~~for use on Department projects~~ with the corresponding Department Aggregate Description and Code from the Instructions for Coding of Aggregate Test Data for Computerization ~~Instructions For Computer Coding Of Aggregate Test Data~~.

~~(2) The Department will monitor all data and set the source level of approval as necessary. It will also review the data upon request by the producer and make all the source's data available for inspection at the State Materials Office in Gainesville.~~

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended \_\_\_\_\_.

14-103.007 Approval Levels.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Repealed \_\_\_\_\_.

14-103.0071 Source and Product Certification Systems.

Approved sources may certify approved products through either a Conditional QC Certification System or a Full QC Certification System. The Department will inspect the source, monitor the producer's QCP, and determine the system under which the producer may certify the product.

(1) Full QC Certification System. A producer may employ the Full QC Certification System for an approved source and its approved products that meet the conditions of this subsection, including paragraphs (a) through (k) below. The Department will inform the producer in writing at such time as the Department will accept certification of a product pursuant to the Full QC Certification System. Under the Full QC Certification System, the producer may certify and ship a product based on its own QC data meeting the requirements of Section (II)(B) of the Construction Aggregate Manual. However, the Department reserves the right to reject any defective material based on its own verification testing. The Department will periodically direct the collection of verification samples from selected products that are being certified under the Full QC Certification System. The verification data will be compared with the QC data over an equivalent time period in order to validate the quality of aggregate certified under the Full QC Certification System. The Department may consider supporting documentation in its evaluation of the data. The Department will investigate the possible cause(s) for any unfavorable comparisons through additional verification inspections, sampling and testing, and

review of its own verification procedures. The producer shall fully participate in the Department's review of the QC operation, including, but not limited to: increased sampling frequencies, sample retention, split sample comparisons, and additional inspections. If the Department is unable to validate the QC data's compliance with the limits and standards of Section (II)(B) of the Construction Aggregate Manual, the product will be removed from the Full QC Certification System. The following additional requirements apply to sources using the Full QC Certification System:

(a) The producer shall consistently perform proper and timely sampling and testing of its aggregate products pursuant to the frequencies approved by the Department as modified by the increased minimum requirements set out in Section (I)(B) of the Construction Aggregate Manual, and Appendices 1 through 21 thereto.

(b) The producer shall maintain proper and timely records and have accurate test data and control charts available for itself and for Department inspectors in accordance with the limits of Section (I)(C) of the Construction Aggregate Manual.

(c) The producer shall keep in force the procedures specified in its approved QCP, except upon prior Department approval.

(d) The producer shall certify only shipments of approved products, consisting solely of aggregate produced under its Department-approved QCP.

(e) The producer shall keep materials not processed under its QCP separate and distinct from aggregates intended for certification.

(f) The producer shall properly certify or transmit certification for all shipments of aggregate intended for usage on Department projects in accordance with subsection 14-103.004(5), F.A.C., unless the Department specifically changes the project's certification requirement.

(g) The producer shall demonstrate effective implementation of its QCP by consistently controlling production of aggregates so as to comply with Section (II)(B) of the Construction Aggregate Manual.

(h) The producer's plan for dealing with control failures as specified in subsection 14-103.004(13), F.A.C., shall be effective in identifying control failures prior to the product falling below the limits set out in Section (II)(B) of the Construction Aggregate Manual.

1. Upon timely notification to the Department of a control failure, the producer may continue to certify material under the Full QC Certification System even though affected data subsequent to the notification falls within the limits set out in Section (II)(C) of the Construction Aggregate Manual, provided the following additional requirements are met:

a. The producer shall identify the cause of the control failure pursuant to subsection 14-103.006(13), F.A.C., and implement corrective actions to prevent reoccurrence.

b. The producer may request a re-initialization of the product's data, starting with the effective date of the corrective action, based on a determination by the Department that the corrective action can reasonably be expected to prevent reoccurrence of the control failure and assure continued compliance with Section (II)(B) of the *Construction Aggregate Manual*.

c. Analysis of data for test results generated subsequent to the corrective action must meet the requirements of Section (II)(B) of the *Construction Aggregate Manual*.

2. Three or more control failures related to the same cause that result in the use of subsection 1, above, for the same product during any 365-day period shall be considered prima facie evidence that the QCP has been ineffective in consistently controlling production of aggregates so as to comply with Section (II)(B) of the *Construction Aggregate Manual*.

3. When a product's compliance level mandates a change as described in Section (II)(B) and Section (II)(C) of the *Construction Aggregate Manual*, without the producer giving timely notification as specified in subsection 1, above, the Department will remove the product from the list of approved products. The producer may request re-instatement of the product under the Conditional QC Certification System.

(i) The producer's designated laboratory shall maintain up-to-date and accurate Quality Control records, including: a log of sample collection and identification, laboratory work sheets, test results, records of technician and laboratory qualifications, and information on instrument calibration and maintenance.

(j) The producer and its designated laboratory shall maintain properly trained and qualified QC personnel, accurate and satisfactory test equipment, and proper procedures.

(k) Independent verification testing, as performed by the Department, must confirm that material shipped complies with all applicable specifications.

(2) Conditional QC Certification System. A producer may employ the Conditional QC Certification System for an approved source and its approved products that meet the conditions of this subsection, including paragraphs (a) through (d) below. A producer that uses the Conditional QC Certification System may only certify aggregate from isolated stockpiles released for shipment by the Department. The producer must still comply with its QCP, and evaluate its data to determine compliance with Section (II)(C) of the *Construction Aggregate Manual*. However, only individual stockpiles for which QC data has been found to meet the requirements of Section II (B) of the *Construction Aggregate Manual* may be proposed for acceptance. The Department will set the QC sampling frequencies necessary to establish compliance. Pre-tested stockpiles will be subject to independent verification tests meeting specification requirements prior to release.

(a) When the Department determines that a producer has not met the requirements in subsection 14-103.0071(1), F.A.C., it will advise the producer in writing that the Department will no longer accept certification of products pursuant to the Full QC Certification System. The producer shall thereafter employ the Conditional QC Certification System and shall, within 90 days after receipt of the written Department notification, demonstrate that it is back in full compliance with the conditions of the Full QC Certification System. If the producer has not made this demonstration within this period, the source or product shall be subject to suspension pursuant to Rule 14-103.009, F.A.C.

(b) When QC results for aggregate properties determined by a test method fall below Department compliance levels in Section (II)(B) of the *Construction Aggregate Manual*, or cannot be validated by the Department's own verification testing, sampling frequency for that test method will be increased to a level no greater than the maximum stated in the *Construction Aggregate Manual*. For products reinstated under the Conditional QC Certification System, the Department will set the minimum QC sampling frequencies applicable for those test methods at a level specified for less than 95% compliance as shown in Appendices 1 through 21 of the *Construction Aggregate Manual*. Other test methods, for which the Department is able to establish continued compliance with Section (II)(B) of the *Construction Aggregate Manual*, may continue to be sampled, tested, and evaluated at the previously established frequencies. However, test methods for which data had previously fallen below compliance or could not be validated by the Department's own verification testing will be based on test results for the individual stockpile.

(c) The producer shall physically combine individual "lots" up to but not exceeding a total of one week's production, for the purposes of creating a pre-tested stockpile for evaluation and disposition in accordance with Section (II)(B) of the *Construction Aggregate Manual*.

(d) The producer may request approval to certify a product without the need for verification testing, based on Department review and a determination that the producer's QCP and its history of operations indicate that the producer can reasonably be expected to satisfy the conditions of Section (II)(B) of the *Construction Aggregate Manual*.

(e) The producer may request to ship part or all of a pre-tested stockpile, uncertified and not for usage on Department projects, prior to completion or evaluation of the stockpile. The producer shall provide timely notification to the Department to allow for the option of independent verification testing. Shipment of part or all of a pre-tested stockpile without such notification shall disqualify the stockpile for certification and void the use of its data for establishing product compliance.

(f) Limitations on the production of aggregate from specific layers, pits, or locations within a mine, and other controls or tests addressing specific mining or processing problems, will be imposed for a particular source or product to ensure the quality and acceptability of a source or product for use in Department projects. This will include limitations on uses of a product to certain types of projects where there are unique product performance characteristics or interactions.

(3) New Approvals.

(a) A producer that has received approval of a new source pursuant to Rule 14-103.004, F.A.C., shall employ the Conditional QC Certification System for a period necessary to demonstrate that it has fully and properly implemented its proposed QCP and to provide data for statistical analysis to determine whether at least one product satisfies the conditions of Section (II)(B) of the *Construction Aggregate Manual*. The Conditional QC Certification System may also be employed for new requests for the addition of aggregate products at Redistribution Terminals from Type I, Type II, and Type IV approved sources provided there are no changes in the terminal's process. The evaluation period for new sources shall not exceed 90 days of operation, except for base operations which shall not exceed 180 days. If, within this period, the producer has not demonstrated that it has fully and properly implemented its proposed QCP for the new source or has not provided data for statistical analysis to show that one of its products satisfies the conditions of Section (II)(B) of the *Construction Aggregate Manual*, the new source shall be subject to suspension pursuant to Rule 14-103.009, F.A.C.

(b) Mines and Redistribution Terminals operating under the Full QC Certification System may request approval of new products based on a full submission of data in accordance with Sections (I)(A) and (II)(A) of the *Construction Aggregate Manual*, provided there is no change to the process. The source must submit an Addendum to its QCP to reflect any changes in its production flow diagram, loading and shipping controls, or sampling plan. Upon approval of the product, the source may certify the material pursuant to the Full QC Certification System.

(c) An approved Redistribution Terminal may request approval to redistribute products from Type I, Type II, or Type IV Mines under the Conditional QC Certification System without a full submission of data as specified in Section I(A) of the *Construction Aggregate Manual*, provided there are no changes to the Redistribution Terminal's process. The Redistribution Terminal must notify the mine of its intent to seek approval of the Redistribution Terminal and request data for the material shipped. Gradation targets to establish control bands for the product will be set by the Department based on the correlation between the mine's data and the Redistribution Terminal's results for its first pre-tested stockpile. In no case shall the Redistribution Terminal's targets be set lower than the mine's. Products shall continue to be certified on the

Conditional QC Certification System until sufficient QC data is available for statistical analysis to determine that the product satisfies the conditions of Section (II)(B) of the *Construction Aggregate Manual*.

(4) Reinstated Products.

(a) Materials previously removed from the list of approved products due to a change in compliance level from Section (II)(B) to Section (II)(C) of the *Construction Aggregate Manual* will only be reinstated once the Department has received satisfactory written notification of the producer's corrective action.

1. The initial written notification need not be in the form an Addendum if no changes are being made to the QCP; however, at a minimum, the notification must describe the extent of the non-compliance and the actions taken to assure the quality and the disposition of aggregate represented by the control failure. This written notification will become part of the QCP. The producer may request a reinstatement of the product under the Conditional QC Certification System pending review by the Department. The Department will notify the producer of unacceptable submittals within three business days of receipt.

2. Procedural steps to detect and prevent future occurrences of the conditions leading up to the non-compliance shall be addressed through an Addendum to the QCP. The Addendum shall consist of a cover letter explaining the corrective action, an updated "record of changes," and the appropriate revised pages to the QCP. Addenda that do not comply with the provisions of this rule chapter will be rejected. The Department will notify the producer of unacceptable submittals within five business days of receipt. Upon Department approval of the Addendum, the producer may request a return to the Full QC Certification System based on a full submission of data in accordance with Sections (I)(A) and (II)(A) of the *Construction Aggregate Manual*. Data generated while under the Conditional QC Certification System shall be included in the submittal.

(b) Suspended products may only be reinstated after the Department has received and accepted a satisfactory Addendum addressing steps to detect and prevent future occurrences of the conditions leading up to the suspension. Addenda that do not comply with the provisions of this rule chapter will be rejected. The Department will notify the producer of unacceptable submittals within five business days of receipt. Upon Departmental approval of the Addendum, the producer may request to re-instate the product under the conditional certification system based on a full submission of data in accordance with Sections (I)(A) and (II)(A) of the *Construction Aggregate Manual*.

Specific Authority 120.53(1), 334.044(2) FS. Law Implemented 120.53(1), 334.044(10),(13), 337.105(1), 337.11, 337.164 FS. History—New \_\_\_\_\_.

14-103.008 Producer Initiated Status Change.

~~With the concurrence of the Department, a A producer may request to be placed on voluntary suspension, or to remove a product or products from its approved products list, have their Quality Control program held in abeyance for reasons related to problems with the quality or control of its their aggregate.~~

(1) Should the producer elect to change a source's approval status ~~take this action (i.e., from the Full or Conditional QC Certification System Approval to Suspension), the QC Quality Control required under the source's previous and Quality controls required under that approval level will be in effect; however, minimum time requirements restricting sources in some approval levels will not apply. The maximum time the source can remain in that approval level and restrictions on shipping of products will remain as stated stipulated in Rule 14-103.009, F.A.C.~~

(2) Upon resolution of the problem, the producer may request a return to ~~its their~~ former approval level and control. ~~This These~~ requests must be made in writing to the State Materials Engineer.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(c),(13), 337.105(1), 337.11, 337.164 FS. History—New 10-20-92, Amended \_\_\_\_\_.

14-103.009 Suspension, Revocation, Expiration, or Denial of Source Approval.

(1) Suspension. When source approval is suspended, the producer is restricted from shipping all products for use usage on Department projects.

(a) An individual product shall be suspended when QC test results fall outside the ranges specified in Section II (D) of the Construction Aggregate Manual.

~~(b)(a)~~ A source shall be suspended when one of the following occurs:

1. Failure to timely supply information required by this rule.
2. Failure of material to meet specification requirements.
3. Failure to take immediate corrective action relative to deficiencies in the performance of the QCP. ~~The producer fails to take immediate corrective action relative to deficiencies in the performance of the Quality Control Program.~~
4. Certification of material not produced under an approved QCP. ~~The producer certifies material not produced under an approved QC Program for use on Department projects.~~
5. Failure to correct any identified deficiency within 30 days after Department notice. ~~The producer fails to correct any deficiency related to any requirement of this rule, having received notice from the Department, within a reasonable amount of time not to exceed 30 days.~~

~~(c)(b)~~ Time Limits. A source placed under suspension must remain suspended for a minimum period of 30 days, but not more than 90 days, If the problems are corrected within

this time frame, the source will be placed on Conditional Approval. If the problems have not been corrected, the source's approval will be revoked.

(2) Revocation. When source approval is revoked, the producer is prohibited from from shipping or certifying aggregates for Department use or on Department projects.

(a) A source's approval shall be revoked when one of the following occurs:

1. A suspended source has failed to correct its problems within 90 days of the date of sSuspension.
2. A source using the Conditional QC Certification System Conditionally Approved source following a period of Suspension fails to qualify for Ffull QC Certification System Approval within six months following a period of suspension.
3. ~~Deliberate S~~shipping of non-specification aggregate ~~or falsification of records~~.
4. Failure to meet or comply with any requirements of Rule 14-103.004, F.A.C.

(b) ~~Time Limits~~. When a source's approval has been revoked, it will not be eligible for re-approval for a minimum period of six months from the date of revocation. Subsequent re-approval is subject to application requirements of Rule 14-103.004, F.A.C.

~~(c) Approval of out-of-country mines will expire if no annual inspection is made by the Department due to producer failure to pay the inspection transportation costs.~~

(3) Expiration or Extension of Approval. A source's approval will automatically expire if it has not furnished material for Department use or on Department projects for a period of 365 days one calendar year, unless an extension of approval is requested in writing, prior to the expiration date, by the producer to the State Materials Engineer.

(a) Extension of approval will be predicated on the continued operation of the source's QCP Quality Control Program during the previous 365 days calendar year and the source's continuing to meet all the requirements of this rule chapter.

(b) Approval will be extended only once for an additional 365 days calendar year. If, at the end of the extension, the source still has not furnished aggregate for Department use or Department projects, source approval will again expire and re-approval is subject to reapplication.

(c) Individual products from any source which have not been supplied for Department use or on Department projects for a period of 365 days one calendar year will be removed from the list of approved products for that source, unless an extension is requested. This includes existing material inventory stockpiles of material made under a QCP Program, meeting specifications, and for which identification and specific records and test data are available. Extensions will be granted for up to 365 days.

(4) ~~Denial of Source Approval.~~ A producer's request for source or product approval will be denied when any one of the following occurs:

(a) ~~Incomplete or inadequate QCP Quality Control Program.~~

(b) ~~Failure of material to meet specification requirements.~~

(c) ~~Results of the Department's inspection and testing do not agree with information and test results furnished by the producer.~~

(d) ~~Results of the Department's inspection indicate material properties or characteristics which may be a potential problem.~~

~~(e) Falsification of any approval information submitted by the producer.~~

~~(e)(f) The producer fails, upon receipt of having received notice from the Department related to any requirement of this rule, to correct the that deficiency(ies) within a reasonable amount of time not to exceed 30 days.~~

(5) The Department shall give written notice of its intended action to suspend, revoke, or deny approval. 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 or ; 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.

~~(6) In the event that a producer petitions a change of status action of the Department, the Department may exercise its option to test all of producer's aggregates at the point of use or project site until resolution of the request, and hold the material to a pass or fail status based on quality requirements of the specific contract for that project. Any construction delays resulting from Quality Assurance testing at the job site shall be the sole responsibility of the contractor.~~

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History—New 10-20-92, Amended 1-17-99, \_\_\_\_\_.

14-103.0091 Producer Non-Responsibility.

(1) Producers who wish to supply aggregates to the Department or contractors of the Department, are presumed to be a responsible business or individual unless the Department determines that good cause exists to declare the producer non-responsible, which shall include the following:

(a) The producer made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payments or any information required by the Department;

(b) The producer becomes insolvent or is the subject of a bankruptcy petition;

(c) The producer or affiliate(s) has been convicted of a contract crime;

(d) An affiliate of the producer has previously been determined by the Department to be non-responsible, and the specified period of non-responsibility remains in effect;

(e) The producer wrongfully employs or otherwise provides compensation to any employee or officer of the Department, or willfully offers an employee or officer of the Department any pecuniary or other benefit with the intent to influence the employee or officer's official action or judgment.

(2) Determination of Producer Non-Responsibility. The producer will be determined to be non-responsible and ineligible to supply aggregates to the Department or contractors of the Department for a period of time, based on the seriousness of the deficiency. Examples of factors affecting the seriousness of a deficiency are:

(a) Impacts on project schedule, cost, or quality of work;

(b) Delay or interference with the bidding process;

(c) The potential for repetition;

(d) Integrity of the public construction process; and

(e) Effect on the health, safety, and welfare of the public.

(3) Notice of intended agency action under this section 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.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History—New \_\_\_\_\_.

14-103.010 Emergency Action.

(1) The Department may summarily suspend, limit, or restrict approval if it finds that immediate serious danger to the public health, safety, or welfare or the integrity of a project under construction requires emergency suspension, limitation, or restriction.

(2) Notice of emergency suspension, limitation, or restriction shall be given ~~by telegram~~ and by written notice by certified mail, or express delivery, giving detailed reasons for the emergency action taken.

(3) The Department shall promptly initiate formal administrative proceedings after taking emergency action.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History—New 10-20-92, Amended \_\_\_\_\_.

14-103.011 Sampling and Testing Methods.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(c),(13), 337.105(1), 337.11, 337.164 FS. History—New 10-20-92, Amended 11-3-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John Shoucair, P.E., Geotechnical Materials Engineer  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Freddie Simmons, State Highway  
Engineer, for José Abreu, P.E., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 18, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 6, 2004

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**LAND AND WATER ADJUDICATORY COMMISSION**

**Pine Island Community Development District**

RULE CHAPTER TITLE	RULE CHAPTER NO.
Pine Island Community Development District	4200-1
RULE TITLES:	RULE NOS.:
Establishment	4200-1.001
Boundary	4200-1.002
Supervisors	4200-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (“CDD”), the Pine Island Community Development District (“Pine Island CDD”), pursuant to Chapter 190, F.S. The petition filed by Ginn-LA Pine Island Ltd., LLLP, requests the Commission establish a community development district located in Lake County, Florida. The Pine Island Community Development District will consist of approximately 1,805 acres. The petitioner anticipates development of multiple phases of single family residential subdivision(s), with an anticipated total of 785 single family residences. Pine Island I will be approximately 496 single family lots bordered on the west by County Road 455, on the east and south by Lake Apopka, and on the north by Ridgewood Avenue. The property lies within unincorporated Lake County. Pine Island II will be approximately 289 single family lots and an 18 hole golf course with golf course facilities. Pine Island II is bordered on the east by County Road 455, on the west by Black Still Road, and on the north by Fosgate Road. The south will be bordered by existing development. Pine Island I and II will be joined by a tunnel under County Road 455. There is no real property within the external boundaries of the District that is excluded

from the District. The Petitioner has obtained written consent to establish the District from the owners of 100% of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 6 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule or who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the State of Florida and its residents, Lake County and its residents, current property owners and future property owners. Under paragraph (b), the FLWAC and State of Florida will incur minimal administrative costs. Lake County will also incur one-time administrative costs which are offset by the required filing fee paid to Lake County by the Petitioner. Adoption of the proposed rule to approve the establishment of the District will not have adverse impact on State and local revenues. Addressing paragraph (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future landowners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operations and maintenance of the District. Under paragraph (d), approval of the petition to establish the District will have only incidental or a positive impact on a small business and will not have any impact on small counties and cities. Lake County is not a small county as such is defined. Under paragraph (e), certain data utilized in the SERC was provided by the developer/petitioner and

represents the best information available. Other data was based on observations, analysis and experience with private development and other community development districts.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, April 27, 2004

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

PINE ISLAND COMMUNITY DEVELOPMENT DISTRICT

4200-1.001 Establishment.

The Pine Island Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New \_\_\_\_\_.

4200-1.002 Boundary.

The boundaries of the district are as follows:

Pine Island I

OVERALL DESCRIPTION:

THOSE PORTIONS OF SECTIONS 1, 11, 12, 13, 14 AND 24, TOWNSHIP 22 SOUTH, RANGE 26 EAST AND SECTIONS 7 AND 18, TOWNSHIP 22 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 455 AND THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 14; THENCE RUN N41°15'24"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 1543.26 FEET; THENCE RUN N41°46'07"E, 231.35 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE RUN N89°51'49"E ALONG SAID NORTH LINE, 903.20 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE RUN N01°20'39"E ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID

SECTION 11, 656.30 FEET TO THE SOUTHEAST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11; THENCE RUN S89°56'32"W ALONG THE SOUTH LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, 519.25 FEET TO THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 455; THENCE RUN N13°40'04"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 187.08 FEET; THENCE RUN N12°44'49"E, 891.78 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE ABANDONED TAVARES AND GULF RAILROAD BEING A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 02°57'22". A RADIUS OF 979.00 FEET, AN ARC LENGTH OF 50.51 FEET, A CHORD BEARING OF N58°16'28"E AND A CHORD DISTANCE OF 50.51 FEET; THENCE RUN N56°47'47"E, 100.00 FEET TO A CURVE CONCAVE TO THE SOUTHEAST; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 20°18'00", A RADIUS OF 918.50 FEET, AN ARC LENGTH OF 325.43 FEET, A CHORD BEARING OF N66°56'47"E AND A CHORD DISTANCE OF 323.73 FEET; THENCE RUN N77°05'47"E, 249.70 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12; THENCE RUN N89°34'25"E ALONG SAID NORTH LINE, 963.82 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12; THENCE RUN N00°50'16"E ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, 1246.67 FEET TO THE SOUTH RIGHT OF WAY LINE OF DISTRICT ROAD NO. 3-1865, ALSO KNOWN AS RIDGEWOOD AVENUE; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE SOUTH RIGHT OF WAY LINE OF RIDGEWOOD AVENUE; S89°38'56"E, 1340.99 FEET; N01°14'28"E, 5.55 FEET TO A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 22°45'09", A RADIUS OF 314.34 FEET, AN ARC LENGTH OF 124.83 FEET, A CHORD BEARING OF N77°38'40"E AND A CHORD DISTANCE OF 124.01 FEET; N23°43'54"-W, 10.00 FEET; N66°16'06"-E, 42.77 FEET; N67°05'43"E, 1.31 FEET TO A CURVE CONCAVE TO THE SOUTHEAST; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 03°18'05", A RADIUS OF 1204.47 FEET, AN ARC LENGTH OF 69.40 FEET, A CHORD BEARING OF N68°44'46"E AND A CHORD DISTANCE OF 69.40 FEET; N70°23'49"E, 6.53 FEET TO A CURVE CONCAVE TO THE SOUTHEAST; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 10°10'38", A RADIUS OF 271.31 FEET, AN ARC LENGTH OF 48.19 FEET, A CHORD BEARING OF N75°29'08"E AND A CHORD DISTANCE OF

48.13 FEET TO A COMPOUND CURVE CONCAVE TO THE SOUTHEAST; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 12°33'44", A RADIUS OF 217.59 FEET, AN ARC LENGTH OF 47.71 FEET, A CHORD BEARING OF N86°51'19"E AND A CHORD DISTANCE OF 47.61 FEET; N03°08'11"E, 5.00 FEET; S86°51'49"E, 48.00 FEET; S86°56'51"E, 1.58 FEET; N01°29'23"E, 5.01 FEET; S87°04'56"E, 535.48 FEET; S76°46'51"E, 50.05 FEET; S65°10'08"E, 56.55 FEET; S57°59'33"E, 50.83 FEET; S55°08'02"E, 37.17 FEET TO THE END OF MAINTAINED DISTRICT ROAD NO. 3-1865, ALSO BEING THE SOUTHEAST CORNER OF MONTVERDE MOBILE HOME SUBDIVISION SECOND ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 26, PAGE 24, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE EASTERLY LINE OF SAID MONTVERDE MOBILE HOME SUBDIVISION SECOND ADDITION, N05°51'46"E, 254.96 FEET; N32°48'36"E, 126.37 FEET; N43°29'37"E, 572.75 FEET; N02°54'58"E, 678.09 FEET TO A POINT ON THE NORMAL HIGH WATER LINE OF LAKE APOPKA HEREIN AFTER REFERRED TO AS POINT "A"; THENCE RUN ALONG SAID NORMAL HIGH WATER LINE SOUTHERLY, THENCE WESTERLY, THENCE NORTHERLY TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, BEING S44°28'34"W, 8403.55 FEET FROM AFORESAID POINT "A"; THENCE RUN S89°27'21"W ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, 519.41 FEET TO THE POINT OF BEGINNING.

PINE ISLAND II

THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 22 SOUTH, RANGE 26 EAST; LESS THAT PORTION OF TRACT 60-B OF LAKE HIGHLANDS PLAT, OF SAID SECTION 10, RECORDED IN PLAT BOOK 3, PAGE 51, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING EAST OF THE EASTERLY RIGHT-OF-WAY OF BLACK STILL ROAD;

AND

THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, LYING SOUTH OF THE CENTER LINE OF ABANDONED RAILROAD, AND WEST OF THE WESTERLY RIGHT-OF-WAY OF C-455;

AND

THE NORTH 643.45 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LYING WESTERLY OF THE WESTERLY RIGHT-OF-WAY OF C-455;

AND

THE NORTH 643.45 FEET OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 26 EAST;

AND

THE WEST 3/4 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA;

AND

THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF C-455;

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SECTION 11, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY FLORIDA; THENCE RUN NORTH 88°48'56" EAST ALONG THE SOUTH LINE OF SAID SECTION 11 FOR A DISTANCE OF 1317.66 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 26 EAST; THENCE RUN SOUTH 00°32'42" EAST ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 14 FOR A DISTANCE OF 520.39 FEET; THENCE DEPARTING THE EAST LINE OF NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 14 RUN SOUTH 45°57'07" EAST FOR A DISTANCE OF 200.92 FEET TO THE SOUTH LINE OF THE NORTH 643.45 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 14; THENCE RUN NORTH 88°50'31" EAST ALONG THE SOUTH LINE OF THE SAID NORTH 643.45 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 14 FOR A DISTANCE OF 846.26 FEET TO A POINT ON THE SOUTH LINE OF THE SAID NORTH 643.45 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 14; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°27'59" WEST FOR A DISTANCE OF 14.28 FEET; THENCE RUN NORTH 88°58'07" EAST FOR A DISTANCE OF 329.41 FEET; THENCE RUN NORTH 88°52'05" EAST FOR A DISTANCE OF 507.61 FEET TO THE WESTERLY RIGHT OF WAY OF COUNTY ROAD 455; THENCE RUN NORTH 39°56'49" EAST ALONG THE SAID WESTERLY RIGHT-OF-WAY OF COUNTY ROAD 455 FOR A DISTANCE OF 2203.91 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WEST HAVING A RADIUS OF 488.82 FEET; THENCE RUN NORTH ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°33'35" AND AN ARC LENGTH OF 243.66 FEET HAVING A CHORD BEARING OF

NORTH 25°40'02" EAST AND A CHORD DISTANCE OF 241.14 FEET TO A POINT OF TANGENCY; THENCE CONTINUE NORTH 11°23'14" EAST ALONG THE WESTERLY RIGHT OF WAY OF COUNTY ROAD 455 FOR A DISTANCE OF 66.35 FEET; THENCE DEPARTING THE WESTERLY RIGHT OF WAY OF COUNTY ROAD 455 RUN SOUTH 89°56'07" WEST FOR A DISTANCE OF 725.59 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 22 SOUTH, RANGE 26 EAST; THENCE RUN NORTH 00°16'40" WEST ALONG THE SAID EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11 FOR A DISTANCE OF 978.21 FEET TO THE CENTERLINE OF THE ABANDONED RAIL ROAD; THENCE RUN SOUTH 87°20'28" WEST ALONG THE CENTERLINE OF THE ABANDONED RAIL ROAD FOR A DISTANCE OF 892.18 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTH HAVING A RADIUS OF 1920.00 FEET; THENCE RUN WEST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°09'42" AND AN ARC LENGTH OF 441.05 FEET HAVING A CHORD BEARING OF SOUTH 80°45'37" WEST AND A CORD DISTANCE OF 440.08 FEET TO A POINT ON THE CURVE AND SAID CENTERLINE OF THE ABANDONED RAIL ROAD AND INTERSECTION WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE DEPARTING THE CENTERLINE OF THE ABANDONED RAIL ROAD RUN NORTH 00°34'01" WEST ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 11 FOR A DISTANCE OF 461.82 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 11; THENCE RUN SOUTH 88°43'38" WEST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 11 FOR A DISTANCE OF 2637.92 TO THE WEST 1/4 CORNER OF SAID SECTION 11; THENCE RUN SOUTH 89°11'40" WEST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 22 SOUTH, RANGE 26 EAST FOR A DISTANCE OF 2643.13 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE RUN SOUTH 00°43'19" EAST ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10 FOR DISTANCE OF 2325.68 FEET TO THE NORTH LINE OF TRACT 60-B LAKE HIGHLANDS COMPANY ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 51 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN NORTH 89°30'27" EAST ALONG THE SAID NORTH LINE OF SAID TRACT 60-B FOR A DISTANCE OF 60.00 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE WEST HAVING A RADIUS OF 525.56 FEET; THENCE RUN SOUTH ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°26'35" AND AN ARC LENGTH OF 343.46

FEET HAVING A CHORD BEARING OF SOUTH 09°31'20" WEST AND CHORD LENGTH OF 337.38 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE RUN NORTH 89°30'14" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10 FOR A DISTANCE OF 2638.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 428.5555 ACRES MORE OR LESS TOGETHER WITH:

ALL RIGHTS, TITLE AND INTERESTS TO THAT CERTAIN PROPERTY DESCRIBED IN THOSE BOUNDARY LINE AGREEMENTS AS FOLLOWS,

BOUNDARY LINE AGREEMENT BETWEEN J.A. CARPENTER AND WIFE ETHEL M. CARPENTER AND ROY MIZEN AND WIFE ALICE MIZEN, DATED JANUARY 23, 1959, RECORDED IN OFFICIAL RECORDS BOOK 97, PAGE 575, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

LINE AGREEMENT BETWEEN J.A. CARPENTER AND WIFE ETHEL M. CARPENTER AND ROY MIZEN AND WIFE ALICE MIZEN, DATED JANUARY 23, 1959, RECORDED IN OFFICIAL RECORDS BOOK 103, PAGE 22, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New \_\_\_\_\_.

4200-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Thomas McCarthy, Kyle Meyers, W. Wade Smith, Thomas Britt, and James Cooper.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

LAND AND WATER ADJUDICATORY COMMISSION

Connerton West Community Development District

RULE CHAPTER TITLE: Connerton West Community Development District RULE CHAPTER NO.: 42PP-1

RULE TITLES: Establishment Boundary Supervisors RULE NOS.: 42PP-1.001 42PP-1.002 42PP-1.003

**PURPOSE, EFFECT AND SUMMARY:** The purpose of this proposed rule is to establish a community development district ("CDD"), the Connerton West Community Development District ("Connerton West CDD"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Connerton, LLC., and referred to as ("Petitioner"), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Connerton West CDD. A Notice of Receipt of Petition for the Connerton West CDD was published in the January 9, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District will consist of approximately 1,600 acres, located entirely within the unincorporated area of Pasco County. The lands to be included in the proposed Connerton West CDD are bounded by U.S. 41 (Land O Lakes Boulevard) to the west, west of Ehren Cutoff, and south of S.R. 52 (Schradler Memorial Highway). There are no parcels located within the external boundaries of the proposed Connerton West CDD, which are to be excluded from the Connerton West CDD. The future general distribution, location and extent of the public and private land uses within the proposed Connerton West CDD are consistent with the Pasco County Comprehensive Plan and include residential, mixed use and recreational elements. The proposed land uses within the proposed Connerton West CDD are subject to the approved Connerton Development of Regional Impact Development Approval issued by Pasco County. Approximately 2,000 residential units and 200,000 square feet of non-residential mixed use are planned for development within the Connerton West CDD. The Petitioner either owns or has written consent to establish the Connerton West CDD from the owners of 100% of the real property located within the proposed Connerton West CDD. The Connerton West CDD, if established, intends to participate in the construction of certain infrastructure improvements including roads, water and wastewater, recreational facilities, surface water management, landscaping and security.

**SPECIFIC AUTHORITY:** 190.005 FS.

**LAW IMPLEMENTED:** 190.004, 190.005 FS.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 8 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state

or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under Section 120.541(1)(a), F.S., and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, and Pasco County. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. Pasco County will also incur one-time administrative costs which are offset by the required filing fee paid to Pasco County by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on a small business and will not have any impact on small counties and cities. Pasco County is not a small county as defined in Section 120.52, F.S. Under section (e), the analysis was based on the application of economic theory with input received from the developer's engineer and other professionals associated with the developer. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, April 30, 2004

**PLACE:** Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

CONNERTON WEST COMMUNITY  
DEVELOPMENT DISTRICT

42PP-1.001 Establishment.

The Connerton West Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004. 190.005 FS. History-New \_\_\_\_\_.

42PP-1.002 Boundary.

The boundaries of the District are as follows:

A PARCEL OF LAND LYING IN SECTIONS 22, 23, 24, 25, 26, 27 AND 35, TOWNSHIP 25 SOUTH, RANGE 18 EAST, AND SECTIONS 19 AND 30, TOWNSHIP 25 SOUTH, RANGE 19 EAST, ALL IN PASCO COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 25, FOR A POINT OF BEGINNING, RUN THENCE ALONG THE SOUTH BOUNDARY OF THE SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4 OF SECTION 25, N.89°28'40"W., 1320.64 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4 OF SECTION 25; THENCE ALONG THE SOUTH BOUNDARY OF THE SOUTHWEST 1/4 OF SAID SOUTHEAST 1/4 OF SECTION 25, N.89°29'51"W., 1321.01 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25; THENCE ALONG THE SOUTH BOUNDARY OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, N.89°27'57"W., 1320.57 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25; THENCE N.26°38'23"W., 741.12 FEET; THENCE N.64°26'37"W., 629.60 FEET; THENCE N.62°51'24"E., 1014.82 FEET; THENCE N.20°31'43"E., 549.36 FEET; THENCE N.50°14'25"W., 1535.13 FEET; THENCE S.55°36'40"W., 810.99 FEET; THENCE S.65°13'49"W., 1389.45 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY, 1312.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1150.00 FEET AND A CENTRAL ANGLE OF 65°24'34" (CHORD BEARING S.32°32'26"W., 1242.71 FEET); THENCE S.00°11'02"E., 418.28 FEET TO THE NORTHWEST CORNER OF THE GROVES PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 39, PAGES 120 THROUGH 150, INCLUSIVE, OF THE PUBLIC

RECORDS OF PASCO COUNTY, FLORIDA; THENCE ALONG THE WESTERLY BOUNDARY OF SAID THE GROVES PHASE 1A, THE FOLLOWING FOUR (4) COURSES: 1) CONTINUE, S.00°11'02"E., 18.80 FEET TO A POINT ON A CURVE; 2) SOUTHWESTERLY, 707.82 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET AND A CENTRAL ANGLE OF 73°44'10" (CHORD BEARING S.36°41'00"W., 659.97 FEET); 3) S.71°53'17"W., 446.91 FEET; 4) S.18°06'43"E., 178.34 FEET; THENCE S.71°53'17"W., 179.15 FEET TO A POINT OF CURVATURE; THENCE WESTERLY, 47.54 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 54°28'36" (CHORD BEARING N.80°52'25"W., 45.77 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY, 127.11 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 205.00 FEET AND A CENTRAL ANGLE OF 35°31'31" (CHORD BEARING N.35°52'21"W., 125.08 FEET) TO A POINT OF TANGENCY; THENCE N.18°06'36"W., 197.21 FEET; THENCE S.71°53'24"W., 535.66 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, 39.26 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 89°59'05" (CHORD BEARING S.26°53'52"W., 35.35 FEET); THENCE S.71°54'19"W., 12.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 41, (STATE ROAD NO. 45), PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP NO. 544B-ROAD 5; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES: 1) N.18°05'41"W., 708.93 FEET TO A POINT OF CURVATURE; 2) NORTHERLY, 1418.22 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 23038.31 FEET AND A CENTRAL ANGLE OF 03°31'37" (CHORD BEARING N.19°51'30"W., 1417.99 FEET) TO A POINT OF TANGENCY; 3) N.21°37'19"W., 4528.68 FEET; THENCE N.88°44'55"E., 274.36 FEET; THENCE S.01°15'05"E., 150.00 FEET; THENCE N.88°44'55"E., 77.14 FEET TO A POINT OF CURVATURE; THENCE EASTERLY, 357.96 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 11350.00 FEET AND A CENTRAL ANGLE OF 01°48'25" (CHORD BEARING N.87°50'42"E., 357.94 FEET) TO A POINT ON A CURVE; THENCE EASTERLY, 547.67 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 11350.00 FEET AND A CENTRAL ANGLE OF 02°45'53" (CHORD BEARING N.89°23'14"E., 547.62 FEET); THENCE N.50°50'00"E., 1057.53 FEET; THENCE N.25°00'00"E., 1050.00 FEET; THENCE N.79°00'00"E., 544.99 FEET; THENCE N.56°00'00"E., 356.34 FEET; THENCE S.46°00'00"E., 430.00 FEET; THENCE S.03°50'00"W., 770.00 FEET; THENCE S.55°00'00"W., 325.00 FEET; THENCE S.33°50'00"W.,

375.00 FEET; THENCE S.05°39'58"E., 77.00 FEET TO A POINT ON A CURVE; THENCE EASTERLY, 1944.04 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 7110.00 FEET AND A CENTRAL ANGLE OF 15°39'58" (CHORD BEARING N.87°49'59"E., 1937.99 FEET) TO A POINT OF TANGENCY; THENCE S.80°00'00"E., 868.53 FEET TO A POINT OF CURVATURE; THENCE EASTERLY, 1292.15 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 11390.00 FEET AND A CENTRAL ANGLE OF 06°30'00" (CHORD BEARING S.83°15'00"E., 1291.46 FEET) TO A POINT OF TANGENCY; THENCE S.86°30'00"E., 210.00 FEET; THENCE N.20°35'08"E., 263.21 FEET; THENCE N.27°50'00"W., 285.00 FEET; THENCE N.35°00'00"E., 840.00 FEET; THENCE N.47°50'00"E., 165.00 FEET; THENCE N.32°11'37"E., 621.01 FEET; THENCE N.51°50'00"E., 350.00 FEET; THENCE N.22°50'00"E., 700.00 FEET; THENCE N.54°25'49"W., 924.48 FEET; THENCE N.12°50'00"E., 600.00 FEET; THENCE N.78°00'00"E., 575.00 FEET; THENCE N.13°50'00"E., 730.00 FEET; THENCE S.71°50'00"E., 925.00 FEET; THENCE S.14°50'00"E., 245.00 FEET; THENCE N.84°50'00"E., 200.00 FEET; THENCE S.80°35'16"E., 79.07 FEET TO A POINT ON A CURVE; THENCE SOUTHERLY, 168.38 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 630.00 FEET AND A CENTRAL ANGLE OF 15°18'47" (CHORD BEARING S.17°04'07"W., 167.88 FEET) TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 386.91 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 570.00 FEET AND A CENTRAL ANGLE OF 38°53'31" (CHORD BEARING S.05°16'46"W., 379.53 FEET) TO A POINT OF TANGENCY; THENCE S.14°10'00"E., 880.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, 329.87 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 630.00 FEET AND A CENTRAL ANGLE OF 30°00'00" (CHORD BEARING S.00°50'00"W., 326.11 FEET); THENCE S.74°10'00"E., 319.04 FEET; THENCE S.04°52'00"E., 568.11 FEET; THENCE N.85°08'00"E., 945.45 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, 46.06 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 105°33'46" (CHORD BEARING N.32°21'07"E., 39.82 FEET); THENCE N.69°34'14"E., 120.00 FEET TO A POINT ON A CURVE; THENCE SOUTHERLY, 206.43 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 760.00 FEET AND A CENTRAL ANGLE OF 15°33'46" (CHORD BEARING S.12°38'53"E., 205.80 FEET) TO A POINT OF TANGENCY; THENCE S.04°52'00"E., 504.09 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, 223.58 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1260.00 FEET AND A CENTRAL ANGLE OF 10°10'00"

(CHORD BEARING S.00°13'00"W., 223.28 FEET) TO A POINT OF TANGENCY; THENCE S.05°18'00"W., 253.37 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, 36.98 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 26°29'16" (CHORD BEARING S.07°56'38"E., 36.66 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHEASTERLY, 22.70 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 52°01'28" (CHORD BEARING S.47°12'00"E., 21.93 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE EASTERLY, 36.98 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 26°29'16" (CHORD BEARING S.86°27'22"E., 36.66 FEET); THENCE S.09°42'00"E., 120.00 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY, 54.32 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 38°54'18" (CHORD BEARING S.60°50'51"W., 53.28 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, 10.50 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 17°11'24" (CHORD BEARING S.32°48'00"W., 10.46 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHERLY, 54.32 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 38°54'18" (CHORD BEARING S.04°45'09"W., 53.28 FEET) TO A POINT OF TANGENCY; THENCE S.14°42'00"E., 1816.20 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, 884.99 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1260.00 FEET AND A CENTRAL ANGLE OF 40°14'35" (CHORD BEARING S.05°25'18"W., 866.91 FEET) TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 59.25 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 42°26'01" (CHORD BEARING S.04°19'35"W., 57.90 FEET) TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY, 204.79 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 120.00 FEET AND A CENTRAL ANGLE OF 97°46'52" (CHORD BEARING S.32°00'00"W., 180.83 FEET) TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY, 59.25 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 42°26'01" (CHORD BEARING S.59°40'25"W., 57.90 FEET) TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY, 869.60 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1260.00 FEET AND A CENTRAL ANGLE OF 39°32'35" (CHORD BEARING

S.58°13'42"W., 852.44 FEET) TO A POINT OF TANGENCY; THENCE S.78°00'00"W., 221.38 FEET; THENCE S.39°26'15"E., 1053.61 FEET; THENCE S.12°09'53"E., 442.32 FEET; THENCE S.47°48'01"E., 1546.92 FEET; THENCE S.00°11'38"W., 419.17 FEET TO A POINT ON THE SOUTH BOUNDARY OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 30; THENCE ALONG SAID SOUTH BOUNDARY OF THE SOUTHWEST 1/4 OF SECTION 30, N.89°48'21"W., 1478.31 FEET TO THE POINT OF BEGINNING.  
CONTAINING 1599.886 ACRES, MORE OR LESS.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New \_\_\_\_\_.

42PP-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Stewart Gibbons, Dale Jones, Kathy Shelling, Adam Lorry and Joyce Bell.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 9, 2004

**LAND AND WATER ADJUDICATORY COMMISSION**

**Villages of Westport Community Development District**

RULE CHAPTER TITLE: Villages of Westport Community Development District

RULE CHAPTER NO.: 42QQ-1

RULE TITLES:	RULE NOS.:
Establishment	42QQ-1.001
Boundary	42QQ-1.002
Supervisors	42QQ-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of this proposed rule is to establish a community development district ("CDD"), the Villages of Westport Community Development District ("Villages of Westport CDD"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Westport Villages, LLC., and referred to as ("Petitioner"), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Villages of Westport CDD. A Notice of Receipt of Petition for the Villages of Westport CDD was published in the January 9, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District will consist of approximately 1,340

acres, located entirely within the City of Jacksonville, Duval County, Florida. The lands to be included in the proposed Villages of Westport CDD are located east of New Kings Road (U.S. Highway 1), north of the Jacksonville Electric Authority Utility Easement, and is bisected in the middle by Braddock Road. There are no parcels located within the external boundaries of the proposed Villages of Westport CDD, which are to be excluded from the Villages of Westport CDD. The future general distribution, location and extent of the public and private land uses under the Planned Unit Development/Multi-Use designation within the proposed Villages of Westport CDD are consistent with the City of Jacksonville Comprehensive Plan and include residential, recreation, and commercial elements. The proposed land uses within the proposed Villages of Westport CDD are part of an approved Regional Activity Center development approval. Approximately 1,900 single family residential units, 500 multi-family residential units and 200,000 square feet of non-residential mixed use are planned for development within the Villages of Westport CDD. The Petitioner either owns or has written consent to establish the Villages of Westport CDD from the owners of 100% of the real property located within the proposed Villages of Westport CDD. The Villages of Westport CDD, if established, intends to participate in the construction of certain road and entranceway improvements, landscaping, stormwater and recreational amenities, as well as funding for roadway planning, development and engineering studies.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Petitioner has prepared a Statement of Estimated Regulatory Costs (SERC). The complete text of the SERC is contained in Exhibit 7 to the petition to establish the District. The Petitioner, Westport Villages, LLC., presently intends for the District to participate in the construction of certain infrastructure improvements including road and entranceway improvements, landscaping, stormwater and recreational amenities, as well as funding for roadway planning, development and engineering studies as contemplated in the approved Planned Unit Development/Regional Activity Center Development Order. The District intends to finance these infrastructure improvements through special assessment or other revenue bonds. Repayment of those bonds will be through non-ad valorem assessments levied against all benefitted properties within the District. The current and future property owner will be responsible for payment of these assessments on the basis of the amount of benefitted property owned. In exchange for payment of these special assessments, there are substantial potential benefits to be derived by the property owners. All of the current and future landowners within the boundaries of the proposed District will be required to comply with the

administrative rule. The cost of implementing this rule to the City of Jacksonville, its residents and to all applicable state agencies for processing the documents is nominal. The City of Jacksonville was paid a \$15,000.00 processing fee to offset the cost of review of the petition to establish the district. Administrative costs will be incurred by the Florida Land and Water Adjudicatory Commission, the Division of Administrative Hearings, the Bureau of Local Government finance/Office of the Comptroller, and the Florida Department of Community Affairs. Other than administrative costs, no costs will be incurred by the State of Florida or the general citizenry from the establishment or operations of the District. Adoption of the proposed administrative rule will have no negative impact on state or local revenues. The impact of District establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the rule, is as economically viable as establishing the District. Creation of the District should not have a negative impact on small counties. Analysis provided by the SERC is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Developer's Engineer and other professionals associated with the Developer.

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

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

TIME AND DATE: 3:00 p.m. – 5:00 p.m., Friday, April 30, 2004

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

VILLAGES OF WESTPORT COMMUNITY DEVELOPMENT DISTRICT

42QQ-1.001 Establishment.

The Villages of Westport Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004. 190.005 FS. History–New \_\_\_\_\_.

42QQ-1.002 Boundary.

The boundaries of the District are as follows:

PARCEL "A":

(RESIDENTIAL PORTION)

A PORTION OF THE SOUTHWEST 3/4 OF THE NORTHWEST 1/4 OF SECTION 25; A PART OF THE SOUTH %2 OF GOVERNMENT LOT 2, SECTION 25; A PORTION OF SOUTHWEST 1/4 OF SECTION 36; TOGETHER WITH A PORTION OF THE BLOODWORTH DONATION, SECTION 38, ALL BEING IN TOWNSHIP 1 NORTH, RANGE 25 EAST, DUVAL COUNTY FLORIDA, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 25 EAST; THENCE NORTH 01'29'30" WEST ALONG THE EAST LINE OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 25 EAST, A DISTANCE OF 2,603.51 FEET TO THE NORTHWEST CORNER OF SAID BLOODWORTH DONATION, SECTION 38; THENCE NORTH 00°01'57" EAST ALONG THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2,095.58 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 3/4 OF THE NORTHWEST 1/4 OF SECTION 25; THENCE NORTH 88°35'23" EAST ALONG THE SOUTH LINE OF THE NORTH %2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 2,709.56 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 00°16'17" WEST ALONG THE WEST LINE OF GOVERNMENT LOT 2, SAID SECTION 25, A DISTANCE OF 665.00 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/20F SAID GOVERNMENT LOT 2; THENCE NORTH 89°17'07" EAST ALONG THE NORTH LINE OF SAID SOUTH %2 OF GOVERNMENT LOT 2, A DISTANCE OF 1,013.00 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD (A 66 FOOT RIGHT OF WAY); THENCE THE FOLLOWING NINE (9) COURSES AND

DISTANCES ALONG SAID WESTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD; FIRST COURSE: SOUTH 87°36'21" WEST, A DISTANCE OF 232.16 FEET TO A POINT OF CURVATURE; SECOND COURSE: IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 988.40 FEET, AN ARC DISTANCE OF 1,341.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 48°43'50" WEST, 1,240.69 FEET; THIRD COURSE: SOUTH 09°51'18" WEST, 1,332.49 FEET TO A POINT OF CURVATURE; FOURTH COURSE: IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY, AND HAVING A RADIUS OF 5,696.60 FEET, AN ARC DISTANCE OF 561.75 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 12°40'48" WEST, 561.52 FEET; FIFTH COURSE: SOUTH 15°30'18" WEST, 564.38 FEET TO A POINT OF CURVATURE; SIXTH COURSE: IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY, AND HAVING A RADIUS OF 1,943.10 FEET, AN ARC DISTANCE OF 495.95 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 08°11'35" WEST, 494.60 FEET; SEVENTH COURSE: SOUTH 00°52'52" WEST, A DISTANCE OF 2,599.00 FEET TO A POINT OF CURVATURE; EIGHTH COURSE: IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY, AND HAVING A RADIUS OF 5,762.60 FEET, AN ARC DISTANCE OF 141.81 FEET TO A POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 00°10'34" WEST, 141.80 FEET; NINTH COURSE: SOUTH 00°31'43" EAST, 227.25 FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF KEYES ROAD (A 60 FOOT RIGHT OF WAY); THENCE NORTH 89°54'20" WEST; ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 591.63 FEET TO THE WESTERLY TERMINUS OF SAID KEYES ROAD; THENCE SOUTH 00°20'28" WEST, ALONG SAID WESTERLY TERMINUS, A DISTANCE OF 30.00 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF SAID SECTION 36; THENCE NORTH 89°54'20" WEST ALONG SAID NORTH LINE, A DISTANCE OF 496.00 FEET TO THE NORTHWEST CORNER OF DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 3930, PAGE 603; THENCE

SOUTH 00°04'32" EAST ALONG THE WEST LINE OF SAID DEED ALSO ALONG A WESTERLY LINE OF DEED RECORDED IN SAID OFFICIAL RECORDS IN VOLUME 6693, PAGE 1952, A DISTANCE OF 336.03 FEET; THENCE NORTH 89°30'08" WEST ALONG A NORTHERLY LINE OF SAID OFFICIAL RECORDS VOLUME 6693, PAGE 1952, A DISTANCE OF 953.20 FEET TO THE WEST LINE OF SAID SECTION 36; THENCE NORTH 02°05'31" EAST ALONG SAID WEST LINE, A DISTANCE OF 329.52 FEET TO THE SOUTHWEST CORNER OF SAID BLOODWORTH DONATION, SECTION 38; THENCE NORTH 03'20'30" EAST ALONG THE EAST LINE OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 25 EAST, A DISTANCE OF 2,608.40 FEET TO THE POINT OF BEGINNING, CONTAINING 424.50 ACRES, MORE OR LESS, TOGETHER WITH;  
PARCEL "B":

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 25 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF KEYES ROAD (A 60 FOOT RIGHT OF WAY) WITH THE WESTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD (A 66 FOOT RIGHT OF WAY); THENCE SOUTH 00°3'43" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD, A DISTANCE OF 2,467.31 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF A 150 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY BY DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2738, PAGE 557 (PARCEL "C"); THENCE SOUTH 89°42'00" WEST ALONG SAID NORTH LINE OF RIGHT OF WAY, A DISTANCE OF 2,143.60 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 36; THENCE NORTH 02°05'31" EAST ALONG SAID WEST LINE, A DISTANCE OF 1,724.16 FEET; THENCE SOUTH 89°38'04" EAST ALONG A SOUTHERLY LINE OF DEED RECORDED IN SAID OFFICIAL RECORDS IN VOLUME 6693, PAGE 1952, A DISTANCE OF 1,025.39 FEET; THENCE SOUTH 00°10'33" WEST ALONG A WESTERLY LINE OF LAST MENTIONED DEED, A DISTANCE OF 139.72 FEET; THENCE SOUTH 89°35'54" EAST ALONG THE MOST SOUTHERLY LINE OF SAID DEED, A DISTANCE OF 435.00 FEET; THENCE NORTH 00°20'28" EAST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/2 OF SAID SECTION 36, A DISTANCE OF 905.72 FEET TO ITS INTERSECTION WITH PREVIOUSLY MENTIONED SOUTHERLY RIGHT OF WAY LINE OF

KEYES ROAD; THENCE SOUTH 89°54'20" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 592.54 FEET TO THE POINT OF BEGINNING, CONTAINING 91.79 ACRES, MORE OR LESS, AND SUBJECT TO A 100 FOOT WIDE EASEMENT TO JACKSONVILLE ELECTRIC AUTHORITY OVER THE SOUTHERLY 100 FOOT OF THE ABOVE DESCRIBED PROPERTY PER DEED RECORDED IN SAID OFFICIAL RECORDS IN VOLUME 5762, PAGE 352.

TOGETHER WITH:

PARCEL "C":

A PORTION OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF SECTION 25; PART OF THE SOUTH 1/2 OF GOVERNMENT LOT 2, SAID SECTION 25; PART OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 36; PART OF THE BLOODWORTH DONATION, SECTION 38, ALL IN TOWNSHIP 1 NORTH, RANGE 25 EAST, DUVAL COUNTY, FLORIDA, TOGETHER WITH THE WEST 1/20F THE NORTHWEST 1/4 OF SECTION 31; THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 31; AND PART OF THE EAST 1/20F THE SOUTHWEST 1/4 OF SAID SECTION 31, TOWNSHIP 1 NORTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 2, SECTION 25, ALSO BEING THE SOUTHWEST CORNER OF FOREST VIEW ESTATES, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 49, PAGES 52 THROUGH 52C, CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 01°24'17" WEST ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID BLOODWORTH DONATION, SECTION 38, A DISTANCE OF 2,707.55 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88°50'25" EAST ALONG THE SOUTH LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 1,351.88 FEET TO THE NORTHWEST CORNER OF SAID SECTION 31; THENCE NORTH 89°58'41" EAST ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 1,321.03 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 31; THENCE SOUTH 00°10'52" EAST ALONG THE EAST LINE OF SAID WEST/20F THE NORTHWEST 1/4 OF SECTION 31, A DISTANCE OF 2,648.06 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 88°57'35" EAST ALONG THE NORTH LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 637.55 FEET TO THE NORTHWEST CORNER OF SIMMONS ROAD (A 60 FOOT RIGHT OF WAY PER DEED BOOK 730, PAGE

189); THENCE SOUTH 00°19'18" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID SIMMONS ROAD, A DISTANCE OF 2,537.14 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF A 150 FOOT JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY BY DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2738, PAGE 557 (PARCEL "B"); THENCE SOUTH 89°23'14" WEST ALONG SAID NORTH LINE OF RIGHT OF WAY, A DISTANCE OF 633.03 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES AROUND SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31; FIRST COURSE: NORTH 00°59'05" WEST, 1,170.15 FEET TO THE NORTHEAST CORNER THEREOF; SECOND COURSE: SOUTH 89°22' 15" WEST, 1,315.81 FEET TO THE NORTHWEST CORNER THEREOF; THIRD COURSE: SOUTH 00°40' 33" EAST, 1,169.75 FEET TO A POINT ON THE NORTH LINE OF SAID 150 FOOT JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY BY DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2738, PAGE 557 (PARCEL "A"); THENCE SOUTH 89°42'00" WEST ALONG SAID NORTH LINE OF RIGHT OF WAY, A DISTANCE OF 3,367.45 FEET TO THE EASTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD (A 66 FOOT RIGHT OF WAY); THENCE THE FOLLOWING NINE (9) COURSES AND DISTANCES ALONG SAID EASTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD; FIRST COURSE: NORTH 00°31'43" WEST, 2,754.83 FEET TO A POINT OF CURVATURE; SECOND COURSE: IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY, AND HAVING A RADIUS OF 5,696.60 FEET, AN ARC DISTANCE OF 140.18 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 00°10'34" EAST, 140.18 FEET; THIRD COURSE: NORTH 00°52'52" EAST, 2,599.00 FEET TO A POINT OF CURVATURE; FOURTH COURSE: IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY, AND HAVING A RADIUS OF 1,877. 10 FEET, AN ARC DISTANCE OF 479.10 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 08°11'35" EAST, 477.80 FEET; FIFTH COURSE: NORTH 15°30'18" EAST, 564.38 FEET TO A POINT OF CURVATURE; SIXTH COURSE: IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY, AND HAVING A RADIUS OF 5,762.60 FEET, AN ARC

DISTANCE OF 568.25 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 12°40'48" EAST, 568.02 FEET; SEVENTH COURSE: NORTH 09°51'18" EAST, 1,332.49 FEET TO A POINT OF CURVATURE; EIGHTH COURSE: IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 922.40 FEET, AN ARC DISTANCE OF 1,251.70 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 48°43'50" EAST, 1,157.85 FEET; NINTH COURSE: NORTH 87°36'21" EAST, 607.94 FEET TO A POINT ON THE EAST LINE OF SAID SOUTH OF GOVERNMENT LOT 2, SECTION 25, THENCE SOUTH 00°22'11" WEST ALONG SAID EAST LINE (ALSO BEING PARTIALLY ALONG THE WEST LINE OF SAID FOREST VIEW ESTATES), A DISTANCE OF 1,275.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 709.07 ACRES, MORE OR LESS, AND SUBJECT TO A 100 FOOT WIDE EASEMENT TO JACKSONVILLE ELECTRIC AUTHORITY OVER THE SOUTHERLY 100 FEET OF THE ABOVE DESCRIBED PROPERTY, PER DEEDS RECORDED IN OFFICIAL RECORDS IN VOLUME 5762, PAGE 351 AND VOLUME 5762, PAGE 352.

TOGETHER WITH:  
PARCEL "D":

A PORTION OF THE WEST OF THE SOUTHEAST 1/4 OF SECTION 31, AND A PORTION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31, TOWNSHIP 1 NORTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE WEST LINE OF ANGEL LAKES PHASE 1, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 53, PAGES 87 THROUGH 87B, CURRENT PUBLIC RECORDS OF SAID COUNTY WITH THE NORTH LINE OF A 150 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY BY DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2738, PAGE 557 (PARCEL "B"); THENCE SOUTH 88°54'50" WEST ALONG SAID NORTH LINE OF RIGHT OF WAY, A DISTANCE OF 1,315.68 FEET TO A POINT ON THE WEST LINE OF SAID WEST OF THE SOUTHEAST 1/4 OF SECTION 31; THENCE SOUTH 89°23'14" WEST, CONTINUING ALONG SAID NORTH LINE OF JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY, A DISTANCE OF 628.63 FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF

WAY LINE OF SIMMONS ROAD (A 60 FOOT RIGHT OF WAY PER DEED BOOK 730, PAGE 189); THENCE NORTH 00°19'18" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2,537.59 FEET TO THE NORTHEAST CORNER OF SAID ROAD RIGHT OF WAY; THENCE NORTH 88°57'35" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31 AND THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 1,969.33 FEET TO THE NORTHEAST CORNER OF THE SAID WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 31; THENCE SOUTH 00°14'31" WEST ALONG THE EAST LINE OF SAID WEST 1/2 OF THE SOUTHEAST 1/4 (ALSO PARTIALLY ALONG THE WEST LINE OF SAID ANGEL LAKES PHASE 1, A DISTANCE OF 2,541.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 114.15 ACRES, MORE OR LESS AND SUBJECT TO A 100 FOOT WIDE EASEMENT TO JACKSONVILLE ELECTRIC AUTHORITY OVER THE SOUTHERLY 100 FEET OF THE ABOVE DESCRIBED PROPERTY PER DEED RECORDED IN SAID OFFICIAL RECORDS IN VOLUME 5762, PAGE 351.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History--New \_\_\_\_\_.

42QQ-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Nat Hughes, Andy Hagan, Cindy Jones, Mark Ambach and Maurice Rudolph.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

LAND AND WATER ADJUDICATORY COMMISSION

Arborwood Community Development District

RULE CHAPTER TITLE: Arborwood Community Development District

RULE CHAPTER NO.: 42RR-1

RULE TITLES: Establishment

RULE NOS.: 42RR-1.001

Boundary 42RR-1.002

Supervisors 42RR-1.003

**PURPOSE, EFFECT AND SUMMARY:** The purpose of this proposed rule is to establish a community development district ("CDD"), the Arborwood Community Development District ("Arborwood CDD"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Worthington Holdings Southwest, LLC ("Petitioner"), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Arborwood CDD within the municipal limits of Fort Myers, in Lee County, Florida. A Notice of Receipt of Petition for the Arborwood CDD was published in the January 9, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the Arborwood CDD comprises approximately 2,466.85 acres. Although the initial petition included a legal description that encompassed 2,479.13 acres, the Petitioner submitted a corrected legal description at the local public hearing revising the acreage to 2,466.85. The proposed Arborwood CDD is bounded on the west by Interstate 75, on the east by the Gateway Planned Unit Development, is south of the Sun City and Colonial Country Club developments, and north of Daniels Parkway. The lands within the proposed Arborwood CDD are undeveloped. There are no parcels located within the external boundaries of the proposed Arborwood CDD that are to be excluded from the CDD. The development plan for the proposed lands within the Arborwood CDD includes the construction of approximately 4,050 single family units, 2,450 multi-family units and 170,000 square feet of retail and office uses. The Petitioner either owns or has written consent to establish the Arborwood CDD from the owners of one hundred percent (100%) of the real property located within the proposed Arborwood CDD. The Arborwood CDD, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, water and sewer utilities, stormwater management and entranceway improvements.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 8 to the petition to establish the Arborwood CDD. The scope of the SERC is limited to evaluating the regulatory costs of approving the proposal to establish the Arborwood CDD. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties and small cities; (e) any additional information that the agency

determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the Arborwood CDD, the State of Florida, the City of Fort Myers and Lee County. In addition, future property owners will be affected by the establishment of the proposed Arborwood CDD. Under section (b), the FLWAC and the State of Florida will incur minimal administrative costs. The City of Fort Myers will also incur one-time administrative costs that are offset by the required filing fee paid to the City of Fort Myers by Petitioner. Adoption of the proposed rule to approve the formation of the Arborwood CDD will not have adverse impact on State and local revenues. Addressing section (c), the Arborwood CDD may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the Arborwood CDD funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The Arborwood CDD may issue notes, bonds or other indebtedness to fund its improvement program. Prospective future landowners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments and other rates, fees or charges. The Arborwood CDD may also impose an annual levy for the operation and maintenance of the CDD. Under Section (d), approval of the petition to establish the Arborwood CDD will have no impact or a positive impact on all small businesses and will not have any impact on small counties and cities. The City of Fort Myers is not a small city according to Section 120.52, F.S. Lee County is not a small county as defined according to Section 120.52, F.S. Under section (e), the analysis was based on the application of economic theory with input received from the developer's engineer and other professionals associated with the developer.

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

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

**TIME AND DATE:** 1:00 p.m. – 3:00 p.m., Friday, April 30, 2004

**PLACE:** Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

ARBORWOOD COMMUNITY  
DEVELOPMENT DISTRICT

42RR-1.001 Establishment.

The Arborwood Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New \_\_\_\_\_.

42RR-1.002 Boundary.

The boundaries of the District are as follows:

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 2, 3, 10, 11, 12, 13, 14, 15, & 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 12; THENCE N.89°55'59"E. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12 FOR 2593.44 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12; THENCE CONTINUE N.89°55'59"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 12 FOR 69.69 FEET; THENCE S.01°05'49"E. FOR 2646.14 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12; THENCE N.89°55'48"E. ALONG NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12 FOR 2524.41 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12; THENCE S.00°57'31"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12 FOR 2645.06 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S.00°40'57"E. ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 13 FOR 2647.21 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 13; THENCE S.00°53'05"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13 FOR 2644.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE N.89°42'21"W. ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13 FOR 2596.61 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13; THENCE N.89°42'31"W. ALONG THE

SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 13 FOR 2597.48 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE S.88°09'06"W. ALONG THE SOUTH LINE OF SECTION 14 FOR 1353.20 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 14; THENCE S.00°56'40"E. ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23 FOR 1321.04 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23; THENCE S.88°07'27"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23 FOR 1351.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23; THENCE S.88°07'59"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23 FOR 1353.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23; THENCE N.01°01'24"W. ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23 FOR 909.59 FEET; THENCE N.13°29'05"E. FOR 98.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1262.50 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°33'33" FOR 320.81 FEET; THENCE N.01°04'28"W. FOR 2645.55 FEET TO A POINT ON THE NORTH LINE OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 14; THENCE N.00°52'49"W. FOR 843.65 FEET; THENCE S.89°07'11"W. FOR 65.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 14; THENCE N.00°52'49"W. ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 14 FOR 477.57 FEET THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER OF SAID SECTION 14; THENCE S.88°18'58"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14 FOR 1357.95 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14; THENCE S.89°34'25"W. ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 15 FOR 640.89 FEET TO AN

INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF I-75; THENCE N.08°21'16"E. ALONG THE EAST RIGHT-OF-WAY LINE OF I-75 FOR 1925.01 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 5891.58 FEET; THENCE NORTHWESTERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF I-75 AND SAID CURVE THROUGH A CENTRAL ANGLE OF 23°11'09" FOR 2384.14 FEET; THENCE N.14°49'51"W. ALONG SAID EAST RIGHT-OF-WAY LINE OF I-75 FOR 2886.26 FEET TO AN INTERSECTION WITH THE CENTERLINE OF A WATER MANAGEMENT EASEMENT DESCRIBED IN OFFICIAL RECORD BOOK 2558, PAGE 2002, LEE COUNTY, FLORIDA; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00 FEET, THROUGH A CENTRAL ANGLE OF 63°11'11" FOR AN ARC DISTANCE OF 253.65 FEET, A CHORD BEARING OF S.75°49'31"E. A CHORD DISTANCE OF 240.99 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 710.00 FEET, THROUGH A CENTRAL ANGLE OF 46°08'48" FOR 571.84 FEET; THENCE N.89°37'18"E. FOR 354.32 FEET; THENCE S.50°15'11"E. FOR 144.85 FEET TO THE BEGINNING OF A NON-TAGENT CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 84°17'37" FOR 882.72 FEET, A CHORD BEARING OF N.87°36'01"E. A CHORD DISTANCE OF 805.24 FEET; THENCE N.45°27'12"E. FOR 398.60 FEET; THENCE N.67°03'34"E. FOR 478.36 FEET; THENCE N.34°14'49"E. FOR 127.19 FEET; THENCE N.23°40'29"E. FOR 475.63 FEET; THENCE N.06°52'49"W. FOR 109.55 FEET; THENCE N.36°30'44"E. FOR 109.13 FEET; THENCE N.20°42'13"E. FOR 118.75 FEET; THENCE N.60°38'04"E. FOR 92.29 FEET; THENCE N.74°41'42"E. FOR 85.73 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF TREELINE BOULEVARD; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES; THENCE AROUND A CURVE TO THE LEFT, HAVING A RADIUS OF 2800.06 FEET THROUGH A CENTRAL ANGLE OF 05°12'07" AN ARC DISTANCE OF 254.22 FEET A CHORD BEARING OF S.01°14'59"E., A CHORD DISTANCE OF 254.14 FEET; THENCE S.03°51'03"E. FOR 959.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2500.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°28'22" FOR 195.16 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11; THENCE N.89°04'48"E. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11 FOR 576.50 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 11; THENCE

N.89°03'32"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11 FOR 2645.22 FEET TO THE POINT OF BEGINNING CONTAINING 2479.13 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN) BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 12 BEING N.89°55'59"E.

LESS & EXCEPT:

A TRACT OR PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTIONS 2 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE S 89°03'32" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 2 FOR 2645.22 FEET; THENCE S 89°04'48"W. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 2 FOR 451.46 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 29°12'53") (CHORD BEARING S 15°09'21" W) (CHORD 1324.02 FEET) FOR 1338.47 FEET TO A POINT OF TANGENCY; THENCE S 29°45'48" W FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1487.50 FEET (DELTA 28°50'26") BEARING S 15°20'35" W) (CHORD 740.87 FEET) FOR 748.75 FEET TO A POINT OF TANGENCY; THENCE S 00°55'22" W FOR 166.15 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE S 88°35'19" W ALONG SAID LINE FOR 125.10 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE N 00°55'22" E FOR 171.24 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1612.50 FEET (DELTA 28°50'26") (CHORD BEARING N 15°20'35" E) (CHORD 803.13 FEET) FOR 811.67 FEET TO A POINT OF TANGENCY; THENCE N 29°45'48" E FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET (DELTA 33°36'51") (CHORD BEARING N 12°57'22" E) (CHORD 1445.75 FEET) FOR 1466.69 FEET TO A POINT OF TANGENCY; THENCE N 03°51'03" W FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2800.06 FEET (DELTA 05°12'07") (CHORD



(2) Purchases with value below \$2,500 shall be carried out using good purchasing practices. Such practices which may include but are not be limited to the receipt of written quotations or written records of telephone quotations.

(3) Purchases which meet or exceed \$2,500, but are less than or equal to the threshold for Category Two may be made using written quotations, or written records of telephone quotations, or informal bids to be opened upon receipt, whenever practical. If the agency receives ~~Should~~ verbal quotations be received, the name and address of each respondent company and the amount quoted shall be a part of the written documentation. If the agency receives less than at least two quotations are not received, it must include a statement as to why additional quotes they were not received must be shown. If the agency determines that commodities or contractual services are available only from a single source, or that conditions warrant negotiation on the best terms and conditions, the agency may proceed with the procurement. The agency shall document the conditions and circumstances used to determine the procurement method.

~~(4)(3) Competitive Sealed Bids or Negotiations or Proposals Required on Purchases Exceeding the Threshold Amount for Category Two.~~

~~(a) In accordance with Chapter 287, F.S., all purchases for which the total contract value is in excess of the threshold amount for Category Two for a commodity or group of commodities or contractual service shall be made by first securing formal competitive solicitations, unless an exemption applies. sealed bids, negotiations or proposals except as provided in Section 287.057(3), F.S., or Rules 60A-1.008, 60A-1.009, and 60A-1.010, F.A.C. The following purchases are not subject to competitive solicitation requirements.~~

~~(a) Regulated Utilities and government franchised services.~~

~~(b) Regulated Public communications, except long distance telecommunications services or facilities.~~

~~(c) Artistic services, which include any artistic work performed by an artist, as defined in Section 287.012(3), F.S., including cases in which the acquisition requires that the artist furnish a commodity created through the artistic work.~~

~~(d) An academic program review, defined as a structured evaluation of the relative merits of an established university or secondary educational program or program component conducted by recognized experts in the field of study and resulting in a written report with specific recommendations.~~

~~(e) Lectures by individuals. A lecture is a formal or methodical reading or presentation on any subject, but it is not intended to be used for the purpose of, or in connection with, training of personnel.~~

~~(f) Auditing services, which are services provided by a licensee under Chapter 473, F.S., in which the licensee attests as an expert in accountancy to the reliability or fairness of presentation of financial information or utilizes any form of~~

disclaimer of opinion which is intended or conventionally understood to convey an assurance of reliability as to matters not specifically disclaimed.

(g) Promotional services and events purchased from donated funds by the Secretary of State for purposes provided in Section 15.18(7), F.S.

(h) Payments for membership dues pursuant to Section 216.345, F.S.

(i) Examinations approved in accordance with Section 455.217(1)(c), F.S.

(j) Adoption placement services licensed by the Department of Children and Families.

(k) Other purchases identified in Section 287.057(5)(f), F.S.

(l) Purchases from alternate contract sources, pursuant to Section 287.042(16), F.S.

(m) Purchases made by agencies pursuant to Section 287.056(1), F.S., from state term contracts competitively procured by the Department.

~~(5)(b) When determining the amount or amounts of purchases for the purpose of applying the threshold categories, agencies shall follow the definitions and classes and groups of commodities or contractual services established by the Department. Acquisitions shall be reviewed and considered on an agency-wide basis, except that acquisitions by agencies with decentralized purchasing functions shall be considered and reviewed on the basis of each purchasing office that maintains full-time purchasing staff. A purchasing office shall not divide its purchases or its purchasing operations to circumvent these requirements. Determination of the threshold amount for Category Two for lease or rental is based on a twelve (12) month period of time. Extension of a contract for an additional period of time is not subject to this provision.~~

~~(6) In any procurement which exceeds the threshold amount for Category Two and that is accomplished without competition, the individuals taking part in the development or selection criteria for evaluation, the evaluation process, or the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected. The attestation shall be placed in the agency file.~~

~~(e) The following purchases are not subject to the competitive sealed bid or negotiation or proposal requirements of subsection 60A-1.002(2), F.A.C. Purchases described in Section 287.057(3)(f), F.S., as well as those described below do not require approval from State Purchasing-~~

~~1. Regulated Utilities and government franchised services.~~

~~2. Regulated Public communications, except long distance telecommunications services or facilities.~~

~~3. Artistic services, academic program reviews, lectures by individuals. Artistic services include any artistic work performed by an artist, as defined in Section 287.012(3), F.S., including cases in which the acquisition requires that the artist furnish a commodity created through the artistic work. An~~

academic program review is a structured evaluation of the relative merits of an established university or secondary educational program or program component conducted by recognized experts in the field of study and resulting in a written report with specific recommendations. A lecture is a formal or methodical reading or presentation on any subject, but it is not intended to be used for the purpose of, or in connection with, training of personnel.

4. Auditing services, which are services provided by a licensee under Chapter 473, F.S., in which the licensee attests as an expert in accountancy to the reliability or fairness of presentation of financial information or utilizes any form of disclaimer of opinion which is intended or conventionally understood to convey an assurance of reliability as to matters not specifically disclaimed.

5. Promotional Services and Events purchased from donated funds by the Secretary of State for purposes provided in Section 15.18(7), F.S.

6. Payments for membership dues pursuant to Section 216.345, F.S.

7. Examinations approved in accordance with Section 455.217(1)(c), F.S.

8. Adoption placement services licensed by the Department of Children and Families.

(d) Agencies are delegated the conditional authority to purchase commodities or contractual services (except insurance). The conditions of this delegation are (i) that the agencies comply with the requirements of subsection 287.042(13), F.S.; (ii) that State Purchasing retains the full supervisory authority provided by that subsection; and (iii) that State Purchasing reserves the right to rescind the authority delegated to all agencies by amendment to this rule and reserves the right to rescind the authority delegated to an agency for failure to comply with that subsection. If State Purchasing proposes to rescind an agency's authority, it shall give the agency notice pursuant to subsection 60.4.013(2), F.A.C.

(e) Except for those contracts initially procured pursuant to Section 287.057(3)(a) or (3)(c), F.S., contracts for commodities or contractual services may be renewed for an additional term not to exceed the original contract period unless the original contract period is 24 months or less, in which case the contract may be renewed up to 2 one year periods. Renewal of the contract shall be by mutual agreement in writing and shall be subject to the same terms and conditions set forth in the initial contract. Vendors shall include the cost of any contemplated renewals in bids and proposals and responses to invitations to negotiate. Renewals shall be contingent upon satisfactory performance evaluations by the agency.

(4)(a) Legal Advertisements — All purchases of commodities or contractual services in excess of the threshold amount for Category Two shall be advertised in the Florida

Administrative Weekly or the Florida Communities Network no less than ten (10) calendar days prior to the bid opening for invitations to bid or opening for requests for proposals or invitations to negotiate. If the head of an agency or his or her designee determines that an unusual problem exists, and to delay the bidding to provide an opportunity for advertising would be detrimental to the interest of the agency, then, and in such event, the head of such agency or the designee shall document agency file including with particularity the conditions and circumstances requiring waiver of advertising prior to the opening of the bids or proposals or responses to invitations to negotiate.

(b) Advertisement in the Florida Administrative Weekly or Florida Communities Network is not required for the reissuance of an invitation to bid, invitation to negotiate or request for proposals if the agency advertised the original bid negotiation or proposal solicitation in the Florida Administrative Weekly or Florida Communities Network and the agency mails notice of the reissuance of the bid, negotiation or proposal solicitation to all vendors that were mailed notice of the original solicitation and to all bidders or offerors that responded to the original solicitation, excluding any vendor that responded with an indication of no interest.

(5) Receipt of No Competitive Sealed Bids — Bids or Proposals or Offers to Negotiate in the First Invitation to Bid or Request for Proposal or Invitation to Negotiate on Commodities or Contractual Services — When no competitive sealed bids or proposals or offers to negotiate are received for the purchase of a commodity or group of commodities or contractual services in response to the sealed bid or proposal or negotiation solicitation, the agency shall review the situation in order to determine the reasons, if any, why none was received before issuing a second invitation; provided, however, if the agency determines that commodities/contractual services are available only from a single source, or that conditions and circumstances warrant negotiation on the best terms and conditions, the agency's intended decision shall be posted in accordance with Section 120.57(3), F.S., before the agency may proceed with procurement. The agency shall document the agency file as to the conditions and circumstances used to determine the decision to proceed without a second call for competition.

(6) Copy of Invitation To Bid, Invitation to Negotiate or Request for Proposal of Commodities or Contractual Services to be forwarded to the Florida Small Business Development Center Procurement System. Agencies shall comply with Section 288.705, F.S., and shall upon request, furnish to State Purchasing a copy of any or all invitations to bid, invitations to negotiate or requests for proposals. The agency's providing of copies of invitations to bid, invitations to negotiate or requests for proposals to State Purchasing, or anything else herein, will

not relieve the agency of its responsibilities or serve as State Purchasing's approval of the invitation to bid, invitation to negotiate or request for proposals.

(7) ~~Conditions to be Included in Formal Invitations to Bid, Invitations to Negotiate and Requests for Proposal for Commodities and Contractual Services.~~

~~(a) All formal solicitations invitations to bid issued by an agency shall include the standard "General Contract Conditions" Form PUR 1000 (03/02), and the standard "Instructions to Respondents" Form PUR 1001 (03/02), each of which is hereby incorporated by reference. Pursuant to Rule 60A-1.041, F.A.C., the agency may attach additional materials (e.g., "Special Contract Conditions") that contain additional terms and conditions. State of Florida Invitation to Bid Bidder Acknowledgment" Form PUR 7028 (Rev. 6-1-98), for commodities, "State of Florida Invitation to Bid Bidder Acknowledgment Contractual Services", Form PUR 7031 (Rev. 6-1-98), for contractual services which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, F.S. An invitation to bid must describe the commodities or services and require prices to be stated. If an agency contemplates a renewal of the commodities or contractual service contract, the Invitation to Bid shall so state with sufficient information, including the contract period(s) of renewal, to enable each bidder to bid on the contract including renewal(s), and in such case the contract award shall be made based upon an evaluation of bids for the entire contract period including renewal(s). A formal invitation to bid, request for proposal or invitation to negotiate shall be mailed at least 10 days prior to the date set for submittal of responses. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S. The purchase order or contract shall be awarded with reasonable promptness by written notice to the responsive and responsible qualified bidder who submits the lowest responsive bid. The bid evaluation must be determined in writing to meet the requirements and criteria set forth in the Invitation to Bid.~~

~~(b) All invitations to negotiate issued by an agency shall include the standard "State of Florida Invitation to Negotiate Acknowledgment" Form PUR 7105 (Rev 6-1-98) which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, F.S. Invitations to negotiate shall include a statement of commodities or services sought, contractual terms and conditions applicable and the date and time for submittal of response. If the agency contemplates a renewal of the commodity or contractual services contract, the invitation to negotiate shall so state and shall also provide sufficient information, including the contract period(s) of renewal, to enable each proposer's submittal to cover the entire contract period including renewal(s). To assure full understanding and responsiveness of submittal of response to invitation to~~

~~negotiate, discussions may be conducted with qualified proposers. Invitation to negotiate shall be mailed at least 10 days prior to the date set for submittal of responses. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S.~~

~~(c) All formal requests for proposal issued by an agency shall include the standard "State of Florida Request for Proposal Commodities Acknowledgment" Form PUR 7051 (Rev. 6-1-98), or "State of Florida Request for Proposal Contractual Services Acknowledgment" Form PUR 7033 (Rev. 6-1-98), which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, F.S. Request for proposal shall include a statement of commodities or services sought, all contractual terms and conditions applicable, and the date and time for submittal of proposals. If the agency contemplates a renewal of the commodity or contractual services agreement, the request for proposal shall so state and shall also provide sufficient information, including the contract period(s) of renewal, to enable each offeror to submit an offer on the contract including renewal(s), and in such case the contract award shall be made based on an evaluation of proposals for the entire contract period including renewal(s). To assure full understanding of and responsiveness to the solicitation requirements, discussions may be conducted with qualified offerors. Notice of Request for Proposal shall be mailed at least 28 days prior to the date set for submittal of proposals. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S.~~

~~(d) All bid, negotiation or proposal solicitations for contracts which require payment for more than one (1) year and include unequal payment streams or unequal time payment periods shall include a condition stating that the evaluation will use present value methodology with the present value discount rate as supplied by the Department of Management Services upon request, which shall be the rates identified in the Interest Rates: Money and Capital Markets Section published in the Federal Reserve Bulletin for the last published month at the time of issuance of the invitation to bid, invitation to negotiate or request for proposals. If the bid, negotiation or proposal requires the use of present value methodology in the evaluation, the invitation to bid, invitation to negotiate or request for proposals shall state the present value discount rate which will be used in the computations and evaluation.~~

~~(9) Right to Reject Bids or Negotiations or Proposals for Commodities/Contractual Services — The agency shall reserve the right to reject any or all bids or negotiations or proposals and such reservation shall be indicated in all advertising and invitations to bid, invitations to negotiate and requests for proposal. (8) Request to Withdraw Bid or Negotiation or Proposal for Commodities or Contractual Services — Requests for withdrawal may be considered if received by the agency, in writing, within 72 hours after the bid or negotiation or proposal~~

opening time and date. Requests received in accordance with this provision may be granted by the agency upon proof of the impossibility to perform based upon an obvious error on the part of the bidder or offeror.

~~(10) Right to Waive Minor Irregularities for Commodities/Contractual Services—The agency shall reserve the right to waive any minor irregularities in an otherwise valid bid or proposal or offer to negotiate. Variations which are not minor cannot be waived.~~

~~(11) Bid Modification for Commodities or Contractual Services—A bidder or offeror may not modify its bid or proposal after bid or proposal opening. Mistakes in an arithmetic extension of pricing may be corrected by the agency.~~

~~(12) Bid Borrowing Commodities or Contractual Services—The practice of bid or proposal or negotiation submittal borrowing (the use of a bid or proposal or submittal received in response to another invitation to bid or request for proposals or invitation to negotiate) does not satisfy the requirement of Section 287.057, F.S., and is prohibited.~~

~~(13) Inspection or Examination of Sealed Bids, Responses to Invitations to Negotiate and Proposals for Commodities and Contractual Services—Sealed bids and proposals and negotiation submittals are not public records, subject to the provisions of Section 119.07(1), F.S., until such time as the agency provides notice of a decision or intended decision pursuant to Section 120.57(3)(a), F.S., or within 10 days after bid or negotiation or proposal opening, whichever is earlier. The 10 day period does not include the date of the notice or opening. When the invitation to bid, invitation to negotiate or request for proposal require the response to be placed in two separately sealed envelopes to be submitted simultaneously and not opened on the same date, the 10 day period begins the day after the opening of the second envelope. Bid or negotiation or proposal opening shall be public at the date and time and at the place specified in the solicitation. Openings and negotiations shall be conducted in a manner to comply with confidentiality and exemption requirements of Section 815.045, F.S., or other applicable statutes. Pollution response action contracts as provided in Section 287.0595, F.S., are confidential and exempt from the provisions of Section 119.07(1), F.S., until selection is made and a contract signed, or until bids or proposals are no longer under active consideration. This exemption is subject to Section 119.14, F.S. The opening shall be conducted by an employee of the agency and witnessed by at least one other employee of the agency. Bid or negotiation or proposal tabulation sheets shall be completed simultaneously with the public reading of prices whenever appropriate. Upon completion of the tabulation, a copy shall be made accessible for inspection by any interested party.~~

~~(14) Cancellation Clause—Any lease contract of commodities must include a cancellation clause of 30, 60, or 90 days, whichever is determined by the agency to be the period of time necessary to procure a substitute contract. This only applies to fixed period lease contracts such as annual lease, two year lease, etc.~~

~~(15) Installment Sale and Purchase Contracts—Installment sale and purchase contracts shall be accomplished on the State of Florida Contract for “Installment Sale and Purchase”, Form PUR 7057 (Rev. 11-15-86), which is hereby incorporated and published by reference and is approved for use by all State agencies. The use of such contracts by State agencies shall be subject in each instance to preaudit review and prior approval of the Comptroller of the State and shall contain the statement, “The State of Florida’s performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature”. Refinancing Installment Sale and Purchase contracts are permitted only to take advantage of a lower interest rate than that of the initial transaction or other instances of lower overall cost to the State. Refinancing for a longer period than the term of the original financing is prohibited. Payment schedules shall provide for either quarterly or semi-annual payment in advance to minimize amount of interest paid. Initial payment may be made on a pro rata basis to accommodate fiscal year funding. Any exception to the provisions of this section requires justification to and prior approval of State Purchasing.~~

~~(16) No Substitute—Use of the term “no substitute” shall be used only when absolutely required. The term “or equivalent” shall be used wherever an identifiable brand name or process is included in the specification.~~

~~(17) District Bidding—State Purchasing has divided the State into four principal districts, as follows:~~

~~(a) Western District, consisting of counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Gadsden, Wakulla, Leon, Jefferson, Taylor, Madison, Lafayette, Dixie.~~

~~(b) Northern District, consisting of the counties of Gilchrist, Alachua, Union, Bradford, Baker, Nassau, Duval, Clay, Putnam, St. Johns, Flagler, Volusia, Marion, Levy, Hamilton, Suwannee, Columbia.~~

~~(c) Central District, consisting of the counties of Citrus, Sumter, Lake, Hernando, Seminole, Orange, Pasco, Pinellas, Hillsborough, Polk, Osecola, Brevard, Indian River, Manatee, Hardee, Highlands, Okeechobee, St. Lucie, Sarasota, DeSoto, Charlotte, Lee.~~

~~(d) Southern District, consisting of the counties of Glades, Martin, Hendry, Palm Beach, Collier, Broward, Monroe, and Dade.~~

~~State Purchasing may modify the composition of these districts when deemed necessary for bidding purposes.~~



DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
RULE TITLE: Purchasing Categories and Adjustments Thereto  
RULE CHAPTER NO.: 60A-1  
RULE NO.: 60A-1.012

PURPOSE AND EFFECT: The purpose of this rule is to move the substantive rules regarding Purchasing Categories out of the definitions section of Chapter 60A-1, F.A.C., and to modernize the rule.

SUMMARY: The rule provides additional detail (as required by statute) regarding the Department's method for establishing and modifying the official Purchasing Categories.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 287.042(12), 287.017(2) FS.

LAW IMPLEMENTED: 287.017 FS.

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

TIME AND DATE: 1:30 p.m. – 4:00 p.m., April 23, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.012 Purchasing Categories and Adjustments Thereto.

(1) Purchasing Categories. The following threshold categories are established:

- (a) Category One: \$15,000.
- (b) Category Two: \$25,000.
- (c) Category Three: \$50,000.
- (d) Category Four: \$150,000.
- (e) Category Five: \$250,000.

(2) Adjustments to Purchasing Categories. State Purchasing may adjust the dollar amount for the purchasing categories based on the April publication of the United States Department of Commerce Survey of Current Business Table 7.11B, using the price index for state and local government. The amounts for the threshold categories will be adjusted as follows:

(a) The rate of adjustment applicable to the threshold amounts is the percent increase or decrease in the chain-type price index from the base year value for 1992, which is 97.9, through the year previous to the year of annual adjustment as shown in the United States Department of Commerce Survey of Current Business as referenced above.

(b) This rate of adjustment is applied to the base threshold amounts to calculate the threshold amount for the year of adjustment.

The following formula illustrates this method: Threshold for Year of Adjustment = Base Threshold × [Price Index in April Publication for the Year Prior to the Year of Adjustment divided by 97.9]

(3) Timing and Application of Categories. Notwithstanding the point in time in which payment is made for the commodities or services, for the purpose of applying the threshold categories to a purchase, the earliest of the following dates shall govern:

- (a) The date on which the solicitation is issued.
- (b) The date the purchase order is issued.
- (c) The date on which the contract is entered into.

Specific Authority 287.042(12), 287.017(2) FS. Law Implemented 287.017 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
RULE TITLE: Contract and Purchase Order Requirements  
RULE CHAPTER NO.: 60A-1  
RULE NO.: 60A-1.016

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the details regarding requirements that must be included in all agency contracts and purchase orders, and re-organizes existing Chapter 60A-1, F.A.C., rule material in a more logical fashion.

SUMMARY: The rule details the various statutory requirements (from Chapters 287, 946, 413, and 672, F.S.) of all agency contracts and purchase orders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 287.032, 287.042 FS.

LAW IMPLEMENTED: 287.017, 287.042, 287.057, 287.058, 287.133 FS.

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

TIME AND DATE: 1:30 p.m. – 4:00 p.m., April 23, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.016 Contract and Purchase Order Requirements for Contractual Services.

(1) Threshold Requirements.

(a) Prior to making a purchase, an agency should review current surplus property certifications to utilize commodities listed therein to the maximum extent practicable.

(b) All purchases shall be in writing or through the State’s Purchasing Card Program.

(2) Contract Requirements.

(a) ~~Contract Terms~~ A written agreement in excess of the threshold amount of Category Two shall be signed by the agency head and the ~~vendor contractor~~ prior to the rendering of the contractual services and/or the delivery of the commodity, except in the case of a valid emergency as certified by the agency head. If the agency chooses to procure commodities or contractual services by purchase order in lieu of a written agreement, ~~then~~ the purchase order shall be signed by the authorized purchasing or contracting personnel. When there is no emergency and the agency fails to have the written agreement signed as required ~~prior to rendering of the service~~, the agency head, no later than 30 days after the vendor contractor begins rendering the service and/or delivering the commodity, shall certify the conditions and circumstances as well as action taken to prevent reoccurrence, to State Purchasing using the “Notice of Non-Compliance,” Form PUR

1010, which is hereby incorporated by reference. “Exceptional Purchase Request /Authorization/Certification” Form PUR 7006 (Rev. 6-1-98). Pursuant to Section 287.058(2), F.S., the agency shall also send a copy of this form to the Chief Financial Officer with the voucher authorizing payment.

(b) Any contract which binds the state or its executive agencies for purchases for a period continuing beyond the fiscal year shall include the following statement: “The State of Florida’s performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature.”

(c) Any contract between an agency and a private contract vendor shall contain the language provided in Sections 413.036(3) and 946.515(6), F.S., if at the time the contract is entered into, any product or service which is the subject of, or required to be carried out, the contract has been certified by the Department of Management Services as a correctional work program item or is on the procurement list of the qualified nonprofit agency for the blind or for the other severely handicapped.

(d) All contracts that limit the liability of a contractor shall be consistent with Section 672.719, F.S.

(3) Purchase Order Requirements. To the extent that these requirements are not superceded by an electronic procurement system, the chief procurement officer of each agency is responsible for:

(a) Securing all unused purchase orders in a safe place and restricting access to these documents.

(b) Maintaining a file and accounting system for all consecutive purchase orders issued or voided.

(c) Maintaining a record of persons authorized to issue and sign each type of purchase order.

(d) Monitoring and reviewing processes for the use of blanket purchase orders and field purchase orders.

The agency is also responsible for ensuring that all purchase orders contain the solicitation number (if applicable), statements regarding the quantity, description, and price of goods or services ordered; applicable terms as to payment, discount, date of performance, and transportation; and liquidated damages, if appropriate.

Specific Authority 287.032, 287.042 FS. Law Implemented 287.017, 287.042, 287.057, 287.058, 287.133 FS. History—New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98, 1-2-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations
RULE CHAPTER NO.: 60A-1
RULE TITLE: Purchasing Districts
RULE NO.: 60A-1.020

PURPOSE AND EFFECT: The purpose of this rule is to re-organize existing materials, and describe State Purchasing's statewide district breakdown.

SUMMARY: The rule names the counties found in each of State Purchasing's four (4) districts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.042(3),(4) FS.

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

TIME AND DATE: 1:30 p.m. - 4:00 p.m., April 23, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.020 Purchasing Districts.

(1) State Purchasing has divided the State into four principal districts. State Purchasing may modify the composition of these districts when deemed necessary for solicitation purposes.

(a) The Western District consists of the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Gadsden, Wakulla, Leon, Jefferson, Taylor, Madison, Lafayette, and Dixie.

(b) The Northern District consists of the counties of Gilchrist, Alachua, Union, Bradford, Baker, Nassau, Duval, Clay, Putnam, St. Johns, Flagler, Volusia, Marion, Levy, Hamilton, Suwannee, and Columbia.

(c) The Central District consists of the counties of Citrus, Sumter, Lake, Hernando, Seminole, Orange, Pasco, Pinellas, Hillsborough, Polk, Osceola, Brevard, Indian River, Manatee, Hardee, Highlands, Okeechobee, St. Lucie, Sarasota, DeSoto, Charlotte, and Lee.

(d) The Southern District consists of the counties of Glades, Martin, Hendry, Palm Beach, Collier, Broward, Monroe, and Dade.

(2) State Purchasing may modify the composition of these districts when deemed necessary for bidding purposes.

Specific Authority 287.042(12) FS. Law Implemented 287.042(3),(4) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations
RULE CHAPTER NO.: 60A-1
RULE TITLE: Electronic Posting of Decisions and Intended Decisions
RULE NO.: 60A-1.021

PURPOSE AND EFFECT: The purpose of this rule is to reorganize materials previously mentioned elsewhere in Chapter 60A-1, F.A.C., and describe agency requirements relating to electronic posting.

SUMMARY: The rule modernizes the electronic posting requirements to aggregate relevant subjects in one rule, and to meet statutory requirements of Chapter 120, F.S. and Rule 28-110, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.042(3)(b),(2) FS.

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

TIME AND DATE: 1:30 p.m. – 4:00 p.m., April 23, 2004  
PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.021 Electronic Posting of Decisions and Intended Decisions.

(1) All agency decisions or intended decisions (as defined in Rule 28-110.002, F.A.C.) shall be electronically posted on the myflorida.com website. All competitive solicitations issued by agencies pursuant to Sections 287.057(1)-(3), F.S. shall be advertised by electronic posting for no less than 10 calendar days prior to the date for receipt of responses. If the agency head or his or her designee determines that an unusual problem exists and the 10 day period would be detrimental to the interest of the agency, the agency head or the designee shall document the contract file with the conditions and circumstances requiring waiver of advertising for less than 10 calendar days.

Specific Authority 287.042(12) FS. Law Implemented 287.042(3)(b)(2) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
RULE TITLE: Solicitation Requirements  
PURPOSE AND EFFECT: The purpose of the rule is to promulgate new contract forms available to all agencies, and to clarify aspects of pre-solicitation findings required of all agencies.

RULE CHAPTER NO.: 60A-1  
RULE NO.: 60A-1.041

SUMMARY: The rule restates agency requirements regarding solicitations found in Sections 287.057(1)-(3), F.S., and promulgates new PUR forms required in all solicitations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.032, 287.042, 287.057, 287.058 FS.

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

TIME AND DATE: 1:30 p.m. – 4:00 p.m., April 23, 2004  
PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.041 Solicitation Requirements.

(1) When preparing a solicitation, an agency shall consider which form of competitive solicitation will result in the best value for the State.

(a) Pursuant to Section 287.057(2)(a), F.S., if the agency determines that the Invitation to Bid method is not practicable, the agency shall document the reason for its use of the Request for Proposal.

(b) Pursuant to Section 287.057(3)(a), F.S., if the agency determines that neither the Invitation to Bid method nor the Request for Proposal are practicable, the agency shall document the reason for its use of the Invitation to Negotiate method. This written determination must be approved in writing by the agency head or his or her designee, prior to advertising the solicitation.

(2) As required by subsection 60A-1.002(7), F.A.C., all competitive solicitations shall include the standard “General Contract Conditions” Form PUR 1000 (03/02), and the standard “Instructions to Respondents” Form PUR 1001 (03/02).

(a) PUR 1001 contains instructions explaining the solicitation process and the actions necessary to respond. The agency shall attach additional materials specific to each particular solicitation, including but not limited to contact information, a solicitation timeline, a location for the public opening, evaluation criteria (including the relative weight of each criterion, if appropriate), required information regarding renewal of the contract, and any other necessary information.











TIME AND DATE: 1:30 p.m. – 4:00 p.m., April 23, 2004  
PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.074 Request to Withdraw Solicitation.

Requests for withdrawal by a vendor of its bid, proposal, or reply may be considered if received by the agency, in writing, within 3 days (excluding Saturdays, Sundays, and State holidays) after the solicitation opening time and date. Requests received in accordance with this provision may be granted by the agency upon proof of the impossibility to perform based upon an obvious error on the part of the vendor.

Specific Authority 287.042(12) FS. Law Implemented 287.042(3)(c) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
RULE CHAPTER NO.: 60A-1

RULE TITLE: Installment Sale and Refinancing  
RULE NO.: 60A-1.081

PURPOSE AND EFFECT: The purpose of the rule is to reorganize material previously found elsewhere in Chapter 60A-1, F.A.C.

SUMMARY: The rule outlines requirements related to agency leasing, installment sale, and/or refinancing contracts, and reiterates the statutory requirement that the Chief Financial Officer approve such contracts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.063 FS.

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

TIME AND DATE: 1:30 p.m. – 4:00 p.m., April 23, 2004  
PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.081 Installment Sale and Refinancing.

Installment sale and purchase contracts require a pre-audit review and prior approval of the Chief Financial Officer and shall contain the statement, “The State of Florida’s performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature”. Refinancing an installment sale and purchase contract is permitted only to take advantage of a lower interest rate than that of the initial transaction or other instances of lower overall cost to the State. Refinancing for a longer period than the term of the original financing is prohibited. Payment schedules shall provide for either quarterly or semi-annual payment in advance to minimize amount of interest paid. Initial payment may be made on a pro rata basis to accommodate fiscal year funding. Any exception to the provisions of this section requires justification to and prior approval of the Department.

Specific Authority 287.042(12) FS. Law Implemented 287.063 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE: General Regulations  
RULE CHAPTER NO.: 60A-1

RULE TITLE: Lease Cancellation Clause  
RULE NO.: 60A-1.082

PURPOSE AND EFFECT: The purpose of the rule is to reorganize material previously found elsewhere in Chapter 60A-1, F.A.C.

SUMMARY: The rule requires that lease contracts contain a cancellation clause of 30, 60, or 90 days, as appropriate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.042(3) FS.

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

TIME AND DATE: 1:30 p.m. – 4:00 p.m., April 23, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.082 Lease Cancellation Clause.

Any fixed-period lease contract of commodities must include a cancellation clause of 30, 60, or 90 days, whichever is determined by the agency to be the period of time necessary to procure a substitute contract.

Specific Authority 287.042(12) FS. Law Implemented 287.042(3) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Continuing Education Program Approval Fee

RULE NO.: 64B1-2.008

PURPOSE AND EFFECT: The Board proposes to repeal this section because it is not authorized by statute.

SUMMARY: The rule repeals the program approval fee.

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

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

SPECIFIC AUTHORITY: 457.104, 457.107(3) FS.

LAW IMPLEMENTED: 457.107(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-2.008 Continuing Education Program Approval Fee.

Specific Authority 457.104, 457.107(3) FS. Law Implemented 457.107(3) FS. History—New 5-12-87, Amended 9-15-92, Formerly 21AA-2.008, 61F1-2.008, 59M-2.008, Amended 10-15-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2004

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Acupuncture Examination

RULE NO.: 64B1-3.004

PURPOSE AND EFFECT: The Board proposes to update the National Examination requirement to reflect changes in the national exam administered by the National Certification Commission for Acupuncture and Oriental Medicine.

SUMMARY: The proposed rule modifies the national examination requirement to reflect changes in the exam made by the national testing organization.

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

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

SPECIFIC AUTHORITY: 456.033, 457.102, 457.104 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-3.004 Acupuncture Examination.

The Board currently approves as the Florida examination for licensure the NCCAOM examination, consisting of the Foundations of Oriental Medicine Module, the Acupuncture Module and the Point Location Module.

Specific Authority 456.017, 457.104 FS. Law Implemented 456.017, 457.104 FS. History—New 8-13-84, Amended 10-2-84, Formerly 21AA-3.04, Amended 1-25-88, 9-3-89, 2-27-92, 5-6-92, Formerly 21AA-3.004, Amended 1-27-94, Formerly 61F1-3.004, Amended 11-21-95, Formerly 59M-3.004, Amended 10-15-97, 5-11-98, 4-20-99, 1-1-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Acupuncture Program Requirements RULE NO.: 64B1-4.001

PURPOSE AND EFFECT: The Board proposes to define the term “supervised instruction” for Florida Laws and Rules education requirements and HIV/Aids education requirements for initial licensure as an Acupuncturist in Florida. For these requirements supervised instruction means instruction in the subject matter obtained in a Board approved continuing education program or through instruction in the subject matter obtained at an ACAOM accredited institution.

SUMMARY: The proposed rule clarifies the meaning of supervised instruction for the initial licensure requirements for education in Florida Laws and Rules and in HIV/Aids education.

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

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

SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination, the applicant must establish that he/she has met the following minimal requirements. For persons who enrolled on or after July 1, 1997, the applicant must complete the program in which they have enrolled.

(1) through (3) No change.

(4) Applicants who apply for licensure on or after October 1, 2003 must have graduated from an ACAOM candidate or accredited 4-year master’s level program or foreign equivalent in oriental medicine with a minimum of 2700 hours of supervised instruction:

(a) No change.

(b) 20 hours of supervised instruction in Florida Statutes and Rules, including Chapters 456 and 457, F.S., and this rule chapter. For purposes of the Florida Statutes and Rules and HIV/Aids requirements imposed by this chapter for initial licensure, the term “supervised instruction” shall mean instruction in a Board approved continuing education program or in a program offered at an ACAOM accredited oriental medicine school.

(5) No change.

Specific Authority 456.033, 457.102, 457.104 457.105 FS. Law Implemented 456.033, 457.102, 457.105 FS. History—New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-1-99, 6-21-00, 4-3-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2004

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	64B1-9.001
Citations	64B1-9.002
Notice of Noncompliance	64B1-9.003

**PURPOSE AND EFFECT:** The Board proposes to update the disciplinary guidelines to address concerns raised by the Joint Administrative Procedures Committee regarding aggravating and mitigating circumstances. The proposed change limits, in some cases, the application of aggravating and mitigating circumstances. The Board proposes to amend the citation rules to clarify the violations to be alleged in a citation concerning advertising infractions. The Board proposes to amend the notice of non-compliance rules to delete the offense of failing to renew a license.

**SUMMARY:** The proposed changes limit the application of aggravating and mitigating circumstances. They clarify the provisions to be charged in a citation for advertising infractions. They delete the offense of failing to renew a license as an offense for which a notice of non-compliance may be issued.

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

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

**SPECIFIC AUTHORITY:** 120.695, 456.072, 456.073(3), 456.077, 456.079(1), 457.104 FS.

**LAW IMPLEMENTED:** 456.072, 456.073(3), 456.077, 456.079, 457.109 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B1-9.001 Disciplinary Guidelines.

(1) No change.

(2) Based upon consideration of the following factors, the Board may impose disciplinary action other than those penalties recommended above:

~~(a) The severity of the offense;~~

~~(a)(b) No change.~~

~~(b)(e) The number of repetitions of offenses, other than an adjudicated offense for which the licensee is presently being penalized;~~

~~(c)(d) No change.~~

~~(d)(e) The number of complaints filed against the licensee certificateholder;~~

~~(e)(f) The length of time the licensee has practiced acupuncture;~~

(g) through (k) renumbered (f) through (j) No change.

~~(k)(l) Attempts by the licensee certificateholder to correct or stop a violation or refusal of a licensee to correct or stop a violation;~~

~~(l)(m) No change.~~

~~(m)(n) Any other mitigating or aggravating circumstances.~~

(3) No change.

(4) The provisions of subsections (1) through (3) above shall not be construed as to prohibit civil action or criminal prosecution as provided in Section 457.116 or 456.072, F.S., and the provision of subsections (1) through (3) above shall not be construed so as to limit the ability of the Board to enter into binding stipulations with accused parties as per Section 120.57(4)(3), F.S.

Specific Authority 456.079(1), 457.104 FS. Law Implemented 456.072, 456.079, 457.109 FS. History—New 12-8-86, Amended 8-6-89, Formerly 21AA-9.001, 61F1-9.001, Amended 11-21-95, Formerly 59M-9.001, Amended 8-3-00, 5-20-02, \_\_\_\_\_.

64B1-9.002 Citations.

(1) through (2) No change.

(3) The Board hereby designates the following violations as citation violations which shall result in a penalty of \$500.00:

~~(a) Violation of Section 457.109 (1) (d) or (e), F.S. paragraph 64B1-9.001(1)(d) or (e), F.A.C.;~~

(b) through (c) No change.

(4) No change.

Specific Authority 456.072, 456.077 FS. Law Implemented 456.072 456.077 FS. History—New 1-26-92, Formerly 21AA-9.002, 61F1-9.002, 59M-9.002, Amended \_\_\_\_\_.

64B1-9.003 Notice of Noncompliance.

(1) No change.

(2) The Board designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:

(a) through (c) No change.

~~(d) Failure to renew a license or elect inactive status as required by Rules 64B1-6.004 and 64B1-7.001, F.A.C., provided that the delinquency of the license has been cured within 30 days of the deadline for license renewal.~~

Specific Authority 120.695, 456.073(3) FS. Law Implemented 120.695, 456.073(3) FS. History--New 5-19-96, Formerly 59M-9.003, Amended \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Acupuncture

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Acupuncture

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: August 1, 2003

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE:

RULE NO.:

Guidelines for the Disposition of Disciplinary Cases

64B2-16.003

PURPOSE AND EFFECT: The Board proposes to update existing rule text.

SUMMARY: The Board is making changes to its list of mitigating and aggravating circumstances, including a change in (c) from the number of specific offenses to "unrelated and distinct" offenses. An addition is also being made to the rehabilitation efforts of the licensee to include signs of remorse, restitution and corrective action.

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

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

SPECIFIC AUTHORITY: 456.072, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.072, 456.079, 460.413(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) No change.

(2) The Board may take into consideration the following factors in determining the appropriate disciplinary action to be imposed and in going outside of the disciplinary guidelines:

~~(a) The severity of the offense;~~

~~(a)(b) The danger to the public;~~

~~(b)(e) The number of unrelated and distinct specific offenses;~~

(d) through (i) renumbered (c) through (h) No change.

~~(i)(j) Rehabilitation efforts of the licensee including remorse, restitution, and corrective actions;~~

(k) through (n) renumbered (j) through (m) No change.

(3) No change.

Specific Authority 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.072, 456.079, 460.413(4) FS. History--New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 19, 2004

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLES:

RULE NOS.:

Continuing Education Requirements

64B5-12.013

Subject Area Requirements

64B5-12.016

PURPOSE AND EFFECT: The Board proposes the rule amendments to update continuing education requirements.

SUMMARY: The proposed rule amendments allow continuing education credit for participation as an expert witness in disciplinary cases and for course work in Health Insurance Portability and Accountability Act (HIPAA).

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

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

SPECIFIC AUTHORITY: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS.

LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.017(3),(5), 466.028(1)(i),(bb) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-12.013 Continuing Education Requirements.

(1) through (2) No change.

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (e) No change.

(f) By participating as an expert witness in the review of disciplinary cases, a licensee may receive a maximum of 11 hours of continuing education credit for completing five disciplinary cases in each biennium. By participating as an expert witness in the review of disciplinary cases, a licensee may receive a maximum of 4 hours of continuing education credit for completing two disciplinary cases in each biennium. A maximum of 11 hours in any one biennium may be earned toward license renewal.

(4) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.017(3),(5), 466.028(1)(i),(bb) FS. History–New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01,\_\_\_\_\_.

64B5-12.016 Subject Area Requirements.

(1) Regardless of the manner by which a licensee obtains continuing education, no credit will be awarded unless the subject matter falls within the following subject matter categories:

(a) through (b) No change.

(c) Patient health and safety subjects including but not limited to – public health problems, communicable diseases, emergency care, cardiopulmonary resuscitation, advanced life support, anesthesia, patient stress management and risk management.

(d) through (f) No change.

(2) through (3) No change.

(4) For the biennium ending February 28, 2004, a licensee may receive a maximum of two hours of continuing education credit for completing Health Insurance Portability and Accountability Act (HIPAA) related courses.

Specific Authority 466.004(4), 466.0135, 466.014 FS. Law Implemented 456.031, 466.0135, 466.014 FS. History–New 4-2-86, Amended 1-18-89, 7-9-90, 2-1-93, Formerly 21G-12.016, 61F5-12.016, Amended 9-27-95, Formerly 59Q-12.016, Amended 10-29-00, 5-20-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Office Safety Equipment

RULE NO.: 64B5-17.015

PURPOSE AND EFFECT: The Board proposes the new rule to update the minimum standard of dental practice to include recent advances in life-saving technology.

SUMMARY: The proposed new rule requires every dental office location to have an automatic external defibrillator by February, 2006.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.017(3)(c) FS.

LAW IMPLEMENTED: 466.017(4), 466.028(1)(x) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.015 Office Safety Requirement.

As part of the minimum standard of care, every dental office location shall be required to have an automatic external defibrillator by February 28, 2006. Any dentist practicing after February 28, 2006 without an automatic external defibrillator on site shall be considered to be practicing below the minimum standard of care.

Specific Authority 466.004(4), 466.017(3)(c) FS. Law Implemented 466.017(4), 466.028(1)(x) FS. History–New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 26, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 17, 2003

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Spouses of Members of Armed  
Forces Exemption  
RULE NO.: 64B32-1.010

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The board is adding a 6-month change of status notification requirement and an exemption provision to the rule.

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

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

SPECIFIC AUTHORITY: 456.024(2) FS.

LAW IMPLEMENTED: 456.024(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: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-1.010 Spouses of Members of Armed Forces Exemption.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time when the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board. The licensee is required to notify the Board of a change in status within six months of the licensee's return to the State of Florida or the spouse's discharge from active duty. If the change of status occurs within the second half of the biennium, the licensee is exempt from the continuing education requirement for that biennium.

Specific Authority 456.024(2) FS. Law implemented 456.024(2) FS. History--  
New 1-6-02, Amended \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 13, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: Filing Procedures for Property and Casualty  
Insurance Rates, Rules, Underwriting  
Guidelines, and Forms  
RULE NO.: 69O-170.013

PURPOSE, EFFECT AND SUMMARY: The proposed amendments adopt procedures and standards for the review and approval of rates for terrorism insurance coverage in accordance with the Terrorism Risk Insurance Act of 2002.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 624.604, 624.605, 627.062, 627.0645, 627.0651 FS.

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

TIME AND DATE: 11:00 a.m., April 27, 2004

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Bureau of Property and Casualty Insurance Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, e-mail: milnesm@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.013 Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms.

(1) through (6) No change.

(7) This rule applies to that portion of a rate filing relating to terrorism coverage required under the Terrorism Risk Insurance Act of 2002. The Office recognizes the difficulty facing an individual insurer in demonstrating that its rates related to terrorism are not excessive, inadequate, or unfairly discriminatory. An insurer is free to use any generally accepted and reasonable actuarial technique in its filing which it believes demonstrates that the rates requested or implemented are in compliance with Section 627.062, Florida Statutes. If an insurer is unable to demonstrate through its own methodology that the rate requested or implemented complies with Section 627.062, Florida Statutes, then the insurer may, at its option, adopt the methodology, data, and rates of another insurer or rating or advisory organization, as appropriate, that have been previously approved by the Office.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.604, 624.605, 627.062, 627.0645, 627.0651 FS. History--New 3-30-92, Amended 3-9-93, 8-23-93, 10-3-94, 8-3-95, 10-2-96, 6-19-03, Formerly 4-170.013, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Bureau of Property and Casualty Insurance Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Lingswiler, Chief, Bureau of Property and Casualty Insurance Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

**Section III**  
**Notices of Changes, Corrections and Withdrawals**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.201  
RULE TITLE: Inmate Property

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. 30, No. 9, (February 27, 2004), issue of the Florida Administrative Weekly:

33-602.201 Inmate Property.

(1) through (17) No change.

APPENDIX ONE  
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as "exemptions", property received must be in compliance with this list. Inmates in possession of previously approved property which meets the description of property on the list shall be allowed to retain the property.

Definitions.

The "quantity" establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. Items found in the possession of an inmate that are in excess of the established "quantity" shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a "value" indicated, the authorized item shall not exceed that value. The terms "canteen" and "state issue" refer to the sources from which property can be obtained after January 1, 1996. All items with the "canteen" designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between institutions. "State issue" means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"