

(2) Clients who are not eligible for assignment to the Tier One Waiver, the Tier Two Waiver, or the Tier Three Waiver shall be assigned to the Tier Four Waiver:

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-0371

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim DeBeaugrine, Director, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

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NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly.

The Proposed Rules for Rule Chapter 14-26, F.A.C., did not contain some of the language to be stricken from the rules language. The published rule did, however, contain all new proposed language. The complete rule language, including language to be stricken is published below.

14-26.0041 Definitions and Terms.

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

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

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

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

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

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

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

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

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

~~(5)(8) “Excluding Weekends and Holidays” means movement on Saturday and Sunday is limited to the period of time beginning one-half hour before sunrise and ending at~~

12:00 Noon, and is prohibited all day on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, and Christmas. If any of these holidays fall on Saturday, the preceding Friday shall also be observed as a holiday. If any of these holidays fall on a Sunday, the following Monday shall also be observed as a holiday. When any of these holidays are observed on a day other than the calendar date of that holiday, the observed dates shall be recognized as a holiday for the purposes of this requirement. Further, when additional days are observed around the calendar date of the holiday, such as the day before and the day after Thanksgiving, Christmas, and New Year's Day, the additional observed date(s) shall be recognized as a holiday for the purposes of this requirement.

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

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

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

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

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

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

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

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

~~(11)(16)~~ "Inner-Bridge" means the distance between the centers of any two or more consecutive axles on a vehicle (or combination of vehicles) traveling on the interstate system only, exclusive of the external bridge, refers to the following: For the Interstate Highway System, inner-bridge legal weight

~~limits are established. There is a weight limit for the truck tractor portion of the truck tractor/semi-trailer combination and a weight limit for the latter part of the combination. The extreme axle distances for each of the two portions are both designated as inner-bridge limits. The inner-bridge for the truck tractor portion is the distance from the center of the steering axle to the center of the last truck tractor axle. The inner-bridge for the latter portion is the distance from the center of the rear axle of the tractor or the center of the first axle of the rear axle group of the tractor to the center of the last axle of the trailer.~~

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

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

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

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

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

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

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

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

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

~~(17)(26)~~ “Mobile Home” means ~~is~~ as defined in Section 320.01(2)(a) ~~553.36(42)~~, F.S.

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

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

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

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

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

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

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

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

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

~~(31)~~ “Qualified Escort” means a person qualified to perform escort duties who has been qualified in the manner prescribed in Section 14-26.012(1)(b) and (c), F.A.C.

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

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

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

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

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

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

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

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

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

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

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

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

(a) Rotating;

(b) Strobe;

(c) Flashing.

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

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

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

14-26.00411 Procedure for Issuance of Permits.

(Moved from 14-26.006).

(1) Purpose. The purpose of this ~~r~~Rule ~~c~~Chapter is to protect the public safety, to reduce interference with traffic flow on state owned highways and structures maintained roads, and to preserve the state’s transportation facilities by providing standards and procedures to govern issuance of permits for overweight and overdimensional vehicles and loads operating over state owned roadways and structures maintained roads. ~~All Department actions taken pursuant to this Rule Chapter~~

~~shall be in accordance with Chapter 120, Florida Statutes. The~~ These rules of this rule chapter apply to all persons or entities, companies, or organizations operating overweight and overdimensional vehicles and loads not specifically exempt under Chapter 316, F.S., over state maintained roads.

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

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

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

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

(4) Permitting Process. Payment for permits shall be in cash, by cashier's check, personal or company check, money order, credit card, or bond/escrow account. Permit requests must be received at least ten business days before scheduled movement for non-routine permits. The applicant must complete all required fields on Form 850-040-02, Request for Special Road Use Oversize/Overweight Blanket Permit Application or Request For Special Road Use Oversize/Overweight Trip Permit Application, rev. 08/09, incorporated herein by reference and provide the following: When requesting a permit, the following information should be furnished three days before the proposed date of movement:

- (a) Requested date for permit to begin.
- (b) Date and time request was made.
- (c) Type of vehicle/vehicle combination to be permitted (Example: truck, special mobile equipment, factory home, tractor/trailer, truck/trailer, etc.).
- (d) Method of movement (Example: hauled, towed, or self-propelled.).
- (e) Name and phone number of permittee/applicant.

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

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

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

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

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

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

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

(l) Origin and destination of load.

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

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

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

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

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

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

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

14-26.0042 Exemption from Permit Requirements.

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

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

14-26.00425 Criteria for Issuance of Permits.

~~(Moved from 14-26.0051)~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(r) The applicant's certification of available horizontal clearance on the proposed route for all loads/vehicles over 22 feet wide;~~

~~(s) The applicant's previous permit compliance history; Failure to comply with this Rule Chapter when operating overweight or overdimensional vehicles or loads over state maintained roads pursuant to previously issued permits, consistent with the provisions of Section 316.550(5), F.S.;~~

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

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

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

(a) ~~Normal legal vehicle and load dimensional and weight operations consist of operating within maximum width, height, length, and weight limitations as addressed in Sections 316.515 and 316.535, Florida Statutes. However, pursuant to Section 316.550, F.S., those in authority over the Department of Transportation operations, such as the Governor, Secretary of the Department of Transportation, Assistant Secretary for Engineering and Operations Transportation Policy, and the State Highway Engineer have powers by which they, in extenuating circumstances, may authorize the Department's Permit Office to issue permits for vehicles or loads not specifically authorized by statute or rule, thereby exceeding the normal daily operational safety standards and procedures of Sections 316.515 and 316.535, F.S., Chapter 316, Florida Statutes and Rule Chapter 14-26, F.A.C.~~

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

- ~~1. Initiated with a letter signed by the person in authority authorizing issuance of the permit.~~
- ~~2. Documented in the Department's Permit Office files.~~
- ~~3. Concurred with by state coordinators (military and civilian) listed in the Department of Army's Mobilization Movement Control (MOBCON) Coordinators directory for all military defense movements.~~

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

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

- ~~1. Authorized persons may verbally authorize permit issuance, if authorization is documented with a letter within 48 hours with a letter to be filed in the Department's Permit Office files.~~
- ~~2. All military defense movement operations need concurrence with state coordinators (military and civilian) listed in the Department of Army's Mobilization Movement Control (MOBCON) Coordinators directory.~~

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

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

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

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

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

The following rule is hereby repealed:

14-26.0044 Interstate Movements.

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

14-26.007 Liability of Permittee.

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

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

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

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

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

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

14-26.008 Schedule of Fees.

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

TABLE 1A- SCHEDULE OF FEES FOR OVERDIMENSION PERMITS		
	TRIP PERMIT 5 Days	MULTI-TRIP 12 Months
(1) OVERDIMENSION		
(a) Trucks and Semi-truck-tractor-trailer.		
Up to 12 f <u>Feet w</u> Wide, or up to 13 f <u>Feet 6 i</u> nches h <u>H</u> igh or up to 85 f <u>Feet l</u> ong.	\$5.00	\$20.00
Up to 14 f <u>Feet w</u> Wide or up to 14 f <u>Feet 6 i</u> nches h <u>H</u> igh or up to 95 f <u>Feet l</u> ong.	\$15.00	\$150.00
Up to 14 f <u>Feet w</u> Wide or up to 18 f <u>Feet h</u> igh or up to 120 f <u>Feet l</u> ong.	\$25.00	\$250.00
Over 14 f <u>Feet w</u> Wide or over 18 f <u>Feet h</u> igh or over 120 f <u>Feet l</u> ong.	\$25.00	NOT ISSUED
(b) Overlength Qualifying semi-trailers of legal wWidth, hHeight, and wWeight, which exceed 53 fFeet in length up to 57 feet 6 inches in length or overlength semi-trailer with kingpin setting greater than 41 feet. (Movement Allowed all Days and All Hours).	\$10.00	\$30.00
(c) Overlength Semi-trailer with Greater than 41 feet Kingpin Setting (legal Width, Height, and Weight).	\$10.00	\$30.00
(c)(d) Truck crane or earth handling equipment moving under own power, up to 12 fFeet wWide or 14 Feet 6 inches hHigh, or 85 fFeet long.	\$15.00	\$150.00
(e)(d) Trailers or equipment fowed with ball or pintle (i.e., Mobile Homes, Modular Buildings, Trailer Chassis, Swimming Pools, Boats, Portable Buildings).		
Up to 10 Feet w Wide or up to 13 f Feet 6 i nches h High or up to 80 f Feet l ong.	\$5.00	\$20.00
Up to 12 Feet w Wide or up to 13 f Feet 6 i nches h High or up to 105 f Feet l ong.	\$5.00	\$330.00
Up to 14 Feet w Wide or up to 14 f Feet 6 i nches h High or up to 105 f Feet l ong.	\$15.00	\$500.00
Over 14 Feet w Wide or over 14 f Feet 6 i nches h High or over 105 f Feet l ong.	\$25.00	NOT ISSUED
Towed Farm Equipment (local Moves Only).	\$25.00	\$250.00
*SPECIFIED ROUTES ONLY—When applicable, the specified routes shall be on the permit.		
**Maximum Length 105 feet providing the length of the towed housing does not exceed 81 feet including all overhangs and tongue.		
NOTE: All permitted dimensions (length, height, width) must be within limits shown for permit fee.		

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

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

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

14-26.009 Exemptions from Fee Requirement.

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

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

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

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

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

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

The above entities or agencies are exempt from the fee requirements ~~requirement~~ only when being operated for non-commercial purposes. The overweight/overdimensional permit is issued, in the name of an entity or a governmental agency and when the vehicles are being operated for non-commercial purposes by the entities or agencies. Proof may be required to verify the identity of the entity or agency. The fee will be waived in all cases where the movement of

portable public school buildings is contemplated, regardless of where the title rests to the vehicles used in the movement. In the event of officially declared state or national emergencies, permit fees will be waived by the Department where it is determined that the movement is necessary to provide timely support. These vehicles must obtain an overweight and/or overdimensional permit to operate on state owned roadways.

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

14-26.0091 Tire Requirements.

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

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

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

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

The following rule is hereby repealed:

14-26.011 Waiver of Axle Limitations.

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

14-26.012 Movement Conditions and Restrictions.

(1) Operational use of permits. The configuration and weight(s) of a vehicle and its load traveling under permit must match the configuration and weight(s) described on the permit and any authorized amendments to that permit. For vehicles traveling under a trip permit, the vehicle or load must match either the truck tag number, trailer tag number, vehicle identification number, the bill of lading number, or the load identification number identified in the permit. Vehicles traveling under a multi-trip permit, the vehicle type and load must match the vehicle type and load described in the permit. Under both types of permits, the permitted vehicle's size, weight, number of axles, axle spacings, and any unique characteristics must comply with the limits for that item if addressed in the permit or any amendment to that permit. Trip permits are valid only for those routes specified in the permit. Multi-trip permit vehicles are not allowed to travel on any restricted bridges or any restricted roadways identified in the

permit or its attachments. No vehicle may cross any posted bridge when the vehicle exceeds the prescribed limits of the bridge.

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

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

(a) Law enforcement escorts.

1. For nighttime moves.

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

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

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

(c) Qualified escorts.

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

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

3. Mandatory requirements:

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

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

3.e. Must have successfully completed a minimum eight hour pilot/escort flagging course in management of highway movements or oversize vehicles and loads and must be qualified to perform such functions within Florida or any other

state in the nation. The qualification must be current and must be from an entity approved by the Department based upon that entity's course content, methods of instruction, and familiarity with state and federal standards.

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

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

~~(2)(4)~~ Escort Vehicle and Equipment Requirements for Qualified Escorts Non-Law Enforcement Escort Vehicles.

~~(a)~~ ~~Qualified escorts and flagpersons may, when actively escorting permitted loads, perform necessary traffic control functions as defined in Section 316.079(2), Florida Statutes.~~

~~(a)(b)~~ Escort Vehicles.

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

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

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

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

5. Two flags, either red or fluorescent orange in color, which must be at least ~~18 12~~ inches x ~~18 12~~ inches, shall be mounted at approximately a 40 to 70 degree angle on the escort vehicle's roof rack.

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

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

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

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

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

5. One hand-held flag, either red or fluorescent orange in color, which must be at least ~~18 12~~ inches x ~~18 12~~ inches.

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

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

8. Three 36 inch reflective triangles or 18 inch traffic cones. Traffic cones must be reflective if used at night.

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

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

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

~~b. Flares or approved alternatives.~~

~~e. Map(s)~~

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

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

~~(6)(4)~~ Other Safety Requirements and Restrictions for on he Permitted Load/ and Vehicle.

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

(b) Warning Lights.

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

~~1.a.~~ Be high visibility rotating, strobe or flashing amber warning lights; and

~~2.b.~~ Be mounted so as to be seen by all approaching traffic at a distance of at least 500 feet.

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

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

(c) Warning Signs.

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

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

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

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

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

~~3-~~ Location.

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

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

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

(f) ~~Nighttime movement~~ Unrestricted Movement. When the criteria of Rule 14-26.00425 and 14-26.012, F.A.C., are met, trip or multi-trip permits shall be issued providing: Movement other than daytime hours must comply with the following requirements:

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

~~2-~~ Law enforcement escort(s) are used.

~~3.1-~~ Warning Steady burning, amber lights shall delineate the shape and size of the load.

~~4.2-~~ The sides and rear of trailers and loads shall be lighted in the manner prescribed in 49 C.F.R. Sections 393.11 through 393.26, as required by Section 316.302(1)(a), F.S Florida Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

2. All other loads shall have a minimum of two one warning lights mounted with one on at the front and one on warning light mounted at the rear of the load. ~~Flags, warning signs, and warning lights are required. Permits will not be issued for two lane roadways except for delivery.~~

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

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

(e) Vehicles oOver 16 Feet. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, only trip permits only shall be issued. Same as criteria for "Vehicles oOver 14

Feet up to 16 Feet" except movement will be restricted to local moves ~~unless, based upon a consideration of the size and shape of the load, and the anticipated times of travel through a congested area, the distance of travel in the congested area, and the length and time of day of the peak traffic periods, it is shown that the safety and efficiency of state maintained roads will not be adversely affected. Applications for permits over 16 feet wide are subject to review by the Department's District Traffic Engineering Office(s).~~

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

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

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

(9)(6) Height Limitations.

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

(b) Vehicles oOver 14 Feet 6 Inches up to 16 Feet. When the criteria of Rule 14-26.00425, 14-26.0051 F.A.C. are met, trip or multi-trip permits shall be issued. Movement is permitted daytime hours only, excluding weekends and holidays, ~~as defined by Rule 14-26.0041(8), F.A.C.~~ Flags, warning signs, and warning lights are required. A minimum of two wWarning lights light are required; one mounted on the front and one on the rear of the load. An eEscort vehicle traveling in front of the load with a vertical height indicator is required to precede the load. Trip permit requests for movement of vehicles over 15 feet high will require an affidavit verifying the proposed route has clearance to accommodate the requested height plus six inches. Movement over 16 feet will be restricted to local moves only with no movement allowed on limited access facilities unless, based on a consideration of the size and shape of the load and the anticipated times of travel through a congested area, the distance of the travel in the congested area and the length and time of day of the peak traffic periods, it is shown that the safety and efficiency of the state highway system will not be adversely affected. Law enforcement escort and utilities will be required whenever the load will encounter low barriers, such as overhead structures, traffic signals and low wires. Applications for both trip and multi-trip permits will be accepted. Multi-trip permits shall be limited to 18 feet.

(c) Vehicles oOver 16 Feet. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Multi-trip permits shall be limited to

vehicles up to 18 feet. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required with one mounted on the front and one on the rear of the load. In addition, movement is will be restricted to local moves only, with no movement allowed on limited access facilities unless, based upon a consideration of the size and shape of the load, the anticipated times of travel through a congested area, the peak traffic periods, the distance of the travel in the congested area, and the length of the transported load, it is shown that the safety and efficiency of the state maintained road will not be adversely affected.

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

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

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

(10)(7) Length Limitations.

(a) Vehicles Limitations 65 feet up to 80 Feet. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Applicable to all permitted vehicles (combination vehicles, e.g., semi-trailer truck combinations, and straight trucks and trailers) and all hours. Minimum 26,001 pound registered GVW vehicle required. Movement is permitted all days, and all hours.

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

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

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

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

2. An eEscort vehicle(s) is required when the length exceeds 95 feet.

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

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

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

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

(c) Self-Propelled Equipment Length Limitations. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. For all self-propelled equipment, the boom must be fully retracted and all attachments removed. Nighttime movement requires that the front overhang has a minimum of 80 inches clearance above the roadway. In addition, no movement is allowed on limited access facilities with units designed for off road use. Flags and one warning light are required. In addition the following restrictions will apply:

1. Total length up to 40 Feet.

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

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

1.2. Total length up to 60 50 Feet.

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

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

3. Total Length over 50 Feet up to 60 Feet. When the criteria of Rule 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement permitted daytime hours only unless required in direct support of emergency utility operations, all days. Flags and warning light required. Warning light is required to be mounted in such a way as to be seen by all approaching traffic.

~~2.4.~~ Total Length over 60 Feet up to 85 Feet Maximum. When the criteria of Rule 14-26.0051, F.A.C. are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flag and warning signs required. A Warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic. ~~The extreme end of the boom or block shall be painted high visibility fluorescent for not less than five feet or equipped with a warning light mounted at the extreme end of the boom.~~

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

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

(b) Multiple loading does not cause the gross vehicle weight to exceed those limits established in Section 316.535, F.S. The other dimensional characteristics of the load remain within legal dimensions, and

(c) ~~Legal weight (gross vehicle weight of vehicle tag) is not exceeded:~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(13)(11) Wrecker Permits.~~

~~(a) When the combined weight of the wrecker and disabled vehicle being towed exceeds the maximum weight limits established by Section 316.535, F.S., the wrecker must be operating under a current wrecker special use permit or permits as provided in Section 316.550(4), F.S. Florida Statutes.~~

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

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

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

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

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

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

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

~~(i)(g) Trip permits shall be issued, Wwhen the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met trip permits shall be issued, if specific vehicle information concerning the number of axles, axle spacing, axle weights and specified route of travel are provided for the combination and vehicle weight (wrecker and disabled vehicle is provided.~~

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

14-26.013 Permits to Move Buildings.

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

14-26.01311 Permits to Move Sealed Containerized Loads.

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

(a) In accordance with Section 316.302(4), F.S., “Hazardous waste” or “hazardous materials” means are those as defined in Title 49, C.F.R., Part 171, Subpart A, Sec.171.8 172.504 Table 1 and hazard classes 2.1, 2.2, 3, 4.2, and 6.1 in Table 2.

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

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

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

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

(a) The sealed ~~container~~ containerized load does not transport hazardous waste or hazardous materials, ~~as defined in subsection (1)(a). exceptions for materials packaged as provided in which require placarding per Title 49, C.F.R., Part 172.401, Subpart F, as required by Section 316.302, F.S.;~~ and Hazardous materials meeting these packaging exceptions will be eligible for overweight permits; and

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

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

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

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

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

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

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

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

1. Consignor;
2. Point of origin;
3. Consignee;
4. Point of destination;
5. Either the number of the packer's cargo seal or the number of the U.S. Customs seal; and

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

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

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

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

- (a) Maximum gross weight;
- (b) Axle spacing (center to center of each axle); ~~and~~
- (c) The total number of axles and total weight on each axle of the vehicle/vehicle combination;

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

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

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

~~(f)~~ An affidavit providing:

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

2. A statement that movements under the requested trip permit will not contain any hazardous material as defined in paragraph (1)(a) of this rule; and 3. A statement that the sealed containerized loads to be moved under the requested trip permit will involve domestic maritime movements, international maritime movements or both;

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

(a) The maximum gross vehicle weight(GVW) of the vehicle and load to be transported under the requested multi-trip permit; and

(b) The axle spacing from center to center of each axle of vehicles to be utilized under the requested blanket permit.

~~(e)~~ An affidavit providing:

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

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

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

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

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

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

~~(8)~~(11) Number of Axles. All vehicles operating under a permit issued pursuant to this rule shall have a minimum of five ~~full time,~~ load-bearing axles in operation at all times during movement.

~~(9)~~(12) Outer Bridge Length. All vehicles operating under a permit issued pursuant to this rule shall have an outer bridge length of 51 feet or greater ~~(the outer bridge length is described~~

in Section 316.535(3), Florida Statutes, as being the distance between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot.

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

~~Rulemaking Specific Authority 20.05(5), 120.53(1)(b), 316.550, 334.044(2) FS. Law Implemented 316.535, 316.550, 334.044(27) FS. History—New 9-14-93, Amended 6-23-96, _____.~~

14-26.014 Non-Compliance.

(1) Suspension or revocation of permits.

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

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

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

(2) Denial of future permits.

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

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

~~(b) The Applicant shall be informed by written notice that the Department intends to deny the application for permit(s). Notice of the Department's intended action will be provided in~~

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

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

14-26.015 Penalties.

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

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

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

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

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

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

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

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

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

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

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

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

1. ~~One foot or any portion thereof: $0.20 \times \$0.05/\text{lb} \times (\text{actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.})$.~~
2. ~~Two feet or any portion thereof: $0.40 \times \$0.05/\text{lb} \times (\text{actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.})$.~~
3. ~~Three feet or any portion thereof: $0.60 \times \$0.05/\text{lb} \times ((\text{actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.})$.~~
4. ~~Four feet or any portion thereof: $0.80 \times \$0.05/\text{lb} \times (\text{actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.})$.~~
5. ~~Five feet or more: $\$0.05/\text{lb} \times (\text{actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.})$.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-85.001	Definitions
14-85.002	Responsibilities of Program Administrator and Department
14-85.003	Qualification of Interchanges
14-85.004	Logo Sign Program
14-85.005	Logo Structures
14-85.006	Configuration of Business Logos
14-85.007	Business Logos and Dual Business Logos
14-85.008	Installation, maintenance and Removal of Logo Structures and Business Logos
14-85.009	Qualification of Businesses
14-85.010	Permits
14-85.011	Priority of Applications
14-85.012	Permit Renewal
14-85.013	Rotation
14-85.014	Denial, Revocation, Suspension, or Cancellation of Permit

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly.

Due to the published rule numbers having previously been used, the following technical changes shall be made:

<u>Rule No(s)</u>	<u>Adopted as Rule No(s).</u>
14-85.001	14-85.013
14-85.002	14-85.014
14-85.003	14-85.015
14-85.004	
14-85.005	14-85.017
14-85.006	14-85.018
14-85.007	14-85.019
14-85.008	14-85.020
14-85.009	14-85.021
14-85.010	14-85.022
14-85.011	14-85.023
14-85.012	14-85.024
14-85.014	14-85.025

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-208.003	Range of Disciplinary Actions
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

33-208.003 Range of Disciplinary Actions.

Offense or Deficiency	First Occurrence	Second Occurrence	Third Occurrence	Fourth Occurrence
(1) Gambling	Oral or Written Reprimand	Written Reprimand or up to 10 day Suspension	Up to 30 days Suspension or dismissal	Dismissal
(2) Horseplay or Fighting	Same	Same	Same	Same
(3) Loafing	Same	Same	Same	Same
(4) Tardiness (within With a 2-month period)	Same	Same	Same	Same
(5) Excessive Absenteeism	Same	Same	Same	Same
(6) Malicious Use of Profane or Abusive Language Toward Inmates, Visitors, or Persons Under Supervision	Same	Same	Same	Same
(7) Absence Without Authorized Leave	Same	Same	Same	Same
(8) Unauthorized Distribution of Written or Printed Material of any Description	Same	Same	Same	Same
(9) Unauthorized Solicitations or Sales on DC Premises or While on Duty	Same	Same	Same	Same
(10) Substandard Quality and/or Quantity of Work	Same	Same	Same	Same
(11) Reporting to Work Improperly Dressed for Job Assignment	Same	Same	Same	Same
(12) Sleeping on Job	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal		
(13) Negligence	Same	Same		
(14) Revealing Confidential Information in DC records to unauthorized person	Same	Same		
(15) Possession of an Unauthorized Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, Central nervous system stimulant, Weapon or Firearm on DC Property	Same	Same		
(16*) Reporting to Work under the Influence of an Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant	Same	Same		
(17*) Drinking an Intoxicant or using a Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant on the job	Same	Same		

~~*The Governor and Cabinet by Resolution adopted July 17, 1973, have established the State Policy on Alcoholism which recognized alcoholism as treatable illness, a medical and public health problem and an employment problem. When an employee drinks to the extent that it affects his or her work performance, the employee is a problem drinker. As with any health liability, alcoholism is of serious concern to the employee and employer alike. Therefore, it is the policy of this~~

~~state to recognize alcoholism as a disease. The Career Service Personnel Rules and Regulations (Rule 60K-4.010, F.A.C.) requires that a dismissal action taken against an employee for habitual drunkenness shall be in accordance with the State Policy on Alcoholism as adopted by the Administration Commission and the guidelines issued by the Secretary of Administration.~~

(18) Failure to maintain direct (sight) supervision of assigned medium, close or maximum custody inmates while outside the institution security perimeter	Written Reprimand, up to 30 days of Suspension or Dismissal	Dismissal
(19) Leaving the Assigned Work Station without Authorization	Same	Same
(20) Use of Corporal Punishment, Verbal or Physical Abuse of an Inmate	Same	Same
(21) Falsification of Forms or Records	Same	Same
(22) Conduct Unbecoming a Public Employee	Same	Same
(23) Stealing DC Property, Property of an Inmate Visitor or Employee	Same	Same
(24) Willful Violation of Rules, Regulations, Directives or Policy Statements	Same	Same
(25) Unauthorized Use of DC Equipment, Property, or Weapons	Same	Same
(26) Insubordination	Same	Same
(27) Destruction or Abuse of DC Property or Equipment	Same	Same
(28) Destruction of Evidence or Giving False Testimony	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal
(29) Unlawfully Obtaining Money from or on behalf of an Inmate or Person under Supervision	Same	Same
(30) Failure to Report and Turn in Without Delay all Property Found, Seized, or Taken Officially	Same	Same
(31) Failure to Submit to a Required Physical Exam	Same	Same
(32) Failure to follow Oral or Written Instructions	Same	Same
(33) Abuse of Sick Leave Privileges	Same	Same
(34) Careless or Unsafe Handling of Firearms or Other Weapons	Same	Same
(35) Cowardice	Same	Same
(36) Failure to report for duty when instructed to do so in time of emergency or potential emergency	Same	Same

Rulemaking Authority 944.09 FS. Law Implemented 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History—New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended 8-5-07, 11-13-07,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Forms and Instructions
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly.

Changes are made to adopt a corrected version of the Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00, incorporated by reference in paragraph 40D-2.101(2)(c)4., F.A.C., and listed in paragraph 40D-1.659(1)(gg), F.A.C. The instruction on the form for calculating an allowable significant use deduction

from per capita water rate for individual regional health facilities is corrected to clarify that the fraction of patients outside of a facility’s service area is multiplied by the total projected annual average water quantities for that facility and not by projected and current quantities. The corrected form will now be dated (12/09) instead of (9/09). The rule changes are as follows:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District’s website at www.watmatters.org.

(1) GROUND WATER

(a) through (ff) No change.

(gg) SMALL GENERAL WATER USE PERMIT APPLICATION – PUBLIC SUPPLY ATTACHMENT, FORM NO. LEG-R.045.00 (12/09) (~~9/09~~), incorporated by reference in subparagraph 40D-2.101(2)(c)4., F.A.C.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.101
 RULE TITLE: Content of Application
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly.

Changes are made to adopt a corrected version of the Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00, incorporated by reference in subparagraph 40D-2.101(2)(c)4., F.A.C., and listed in paragraph 40D-1.659(1)(gg), F.A.C. The instruction on the form for calculating an allowable significant use deduction from per capita water rate for individual regional health facilities is corrected to clarify that the fraction of patients outside of a facility’s service area is multiplied by the total projected annual average water quantities for that facility and not by projected and current quantities. The corrected form will now be dated (12/09) instead of (9/09). The rule changes are as follows:

- 40D-2.101 Content of Application.
 - (1) through (2) No change.
 - (a) through (c) No change.
 - 1. through 3. No change.
- 4. Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00 (12/09) (9/09).
 - (3) through (6) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-709.201 62-709.300 62-709.305 62-709.320 62-709.350 62-709.460 62-709.530	RULE TITLES: Definitions General Provisions Exemptions Yard Trash Processing Facilities Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure, or Blending Manure Special Permitting Criteria for Solid Waste Organics Recycling Pilot Projects Testing, Recording and Reporting Requirements
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 44, November 6, 2009 issue of the Florida Administrative Weekly.

**CRITERIA FOR ORGANICS PROCESSING AND RECYCLING FACILITIES
~~THE PRODUCTION AND USE OF COMPOST MADE FROM SOLID WASTE~~**

62-709.201 Definitions.

(1) “Anaerobic digestion” means the process by which biological decomposition of organic products is carried out under controlled anaerobic conditions, and that stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner.

(2)(4) “Animal byproducts” means source-separated organic solid waste that is animal in origin, such as meat, fat, dairy, or eggs, and is generated by commercial, institutional, agricultural, or industrial operations. This term includes waste generated by prison facilities, grocery stores and manufacturing or packaging plants, butcher shops, restaurants and abattoirs, but does not include waste generated by manufacturing or packaging plants, abattoirs, and butcher shops, including butcher shops in grocery stores. This term also includes packaging that has come into contact with animal byproducts. These wastes will be viewed as putrescible waste in this chapter.

(2) through (19) renumbered (3) through (20) No change.

(21)(20) “Stabilized” means that biological and chemical decomposition of the wastes has ceased or diminished to a level so that such decomposition no longer poses a pollution, health, or safety hazard. The term means that biological decomposition of the waste that was composted or anaerobically digested has occurred to a sufficient degree that will allow beneficial use. As regards composting, it also means that the compost has at least passed through the thermophilic stage, and that biological decomposition of the solid waste has occurred to a sufficient degree that will allow beneficial use.

(21) through (25) renumbered (22) through (26) No change.

62-709.300 General Provisions.

(1) through (9) No change.

(10) Nothing in the chapter is intended to prohibit the beneficial use of sludge or other byproducts, generated from an anaerobic digestion process, that is not expected to pose a significant threat to public health or the environment.

62-709.305 Exemptions.

The following activities do not require a permit or registration under this chapter provided no public nuisance or any condition adversely affecting the environment or public health is created and the activity does not violate other state or local laws, ordinances, rules, regulations, or orders.

(1) No change.

(2) Normal farming operations. For purposes of this chapter, the following will be considered normal farming:

(a) Composting or anaerobic digestion of wastes generated on the farm, as part of agronomic, horticultural or silvicultural operations, for use on the farm, as part of agronomic, horticultural or silvicultural operations;

(b) No change.

(c) Composting or anaerobic digestion of yard trash, manure, or vegetative wastes generated from off the farm, for use on the farm, as part of agronomic, horticultural or silvicultural operations;

(d) through (e) No change.

(3) through (5) No change.

62-709.320 General Provisions for Registrations.

(1) No change.

(2) Design and operating requirements.

(a) through (d) No change.

(e) Solid waste received at a registered facility must be processed timely as follows:

1. Any yard trash, including clean wood, received at the facility shall be ~~size-~~ ~~sized~~ reduced or removed within 6 months, or within the period required to receive 3,000 tons or 12,000 cubic yards, whichever is greater ~~greatest~~. However, logs with a diameter of 6 inches or greater may be stored for up to 12 months before they are size-reduced or removed, provided the logs are separated and stored apart from other materials on site.

2. No change.

(f) through (g) No change.

(3) Registration. Owners or operators of solid waste facilities, that qualify for registration, shall register with the Department before beginning operation, unless they are operating under a solid waste management facility permit as specified in paragraph (1)(c) of this rule.

(a) through (c) No change.

(d) The application for registration shall include the annual report required in subsection (4) of this rule. Owners and operators of solid waste organics recycling facilities that are submitting registration applications and have not begun operating during the applicable calendar year are not required to submit the annual report for that calendar year ~~subject to this requirement of this paragraph~~.

(4) Record keeping and reporting.

(a) Monthly records of incoming and outgoing materials shall be kept on site or at another location as indicated on the registration form for at least three years. The values may be in cubic yards or tonnage, but the same unit of measurement shall be used to record both incoming and outgoing materials. An annual report, based on the preceding calendar year, shall summarize the monthly records and shall be submitted by July 1 to the Department using Form 62-709.901(3), Application for Registration and Annual Report for a Yard Trash Transfer Station or Solid Waste Organics Recycling Facility, effective date XXX, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm. The registrant may submit the annual report to the Department electronically. The initial annual report for existing facilities shall also include a current site inventory of materials.

(b) No change.

62-709.350 Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure, or Blending Manure.

(1) through (5) No change.

(6) The owner or operator of a facility producing compost produced, or the manure blended with yard trash or soil, must demonstrate that disinfection has been achieved ~~be disinfected~~ using one of the options in paragraph subsection 62-709.300(8)(a), F.A.C. However, such demonstration ~~that disinfection has been achieved~~ is not required if the compost was made from pre-consumer vegetative waste, with or without yard trash.

(7) No change.

62-709.460 Special Permitting Criteria for Solid Waste Organics Recycling Pilot Projects.

(1) through (3) No change.

(4) A permit application for a pilot project shall be submitted on Form 62-709.901(4), Permit Application for a Solid Waste Organics Recycling Pilot Project, effective [eff date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm. The application shall include the following:

(a) through (f) No change.

(g) The methods to be used to disinfect the solid waste processed, and the option specified in paragraph 62-709.300(8)(~~7~~)(a), F.A.C., that will be used to demonstrate that disinfection has been achieved;

(h) through (k) No change.

(5) through (9) No change.

62-709.530 Testing, Recording and Reporting Requirements.

(1) through (2) No change.

(3) Owners and operators of facilities producing compost made from solid waste shall submit to the Department an annual report by June 1. The report shall be submitted on Form 62-709.901(2), Annual Report for a Solid Waste Management Facility Producing Compost Made from Solid Waste, effective date XXX, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm. The owner or operator of the facility may submit the annual report to the Department electronically. The report shall include:

(a) through (f) No change.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-11.003 Reexamination

NOTICE OF CORRECTION

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The correction amends the publication date of the Notice of Proposed Rule Development from March 24, 2009, to August 7, 2009. The foregoing change does not affect the substance of the Notice. The person to be contacted regarding the above change is Joe R. Baker, Jr. Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-15.002 Criteria for Approved Continuing Education

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The correction amends the publication date of the Notice of Proposed Rule Development from March 27, 2009 to March 20, 2009. The foregoing change does not affect the substance of the Notice. The person to be contacted regarding the above

change is: Joe R. Baker, Jr. Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-16.001 General Information

NOTICE OF CORRECTION

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The correction amends the publication date of the Notice of Proposed Rule Development from March 27, 2009, to March 20, 2009. The foregoing change does not affect the substance of the Notice. The person to be contacted regarding the above change is Joe R. Baker, Jr. Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:
64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly.

The change updates the revision date on the two forms incorporated by reference. The changes are as follows:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) through (7) No change.

(8) To register for an orthotic or prosthetic internship or residency program. The applicant must submit a completed ~~Registration Form for Orthotic or Prosthetic Internship/Residency Program~~, Application Form for Internship/Residency form number DH-MQA 1126, ~~4/08 07/09~~, which is incorporated by reference and is available from the Board office or at the Board's website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

(9) If a change in supervisor is required, the applicant must submit a completed Update Supervisor Form Registration in an Orthotic or Prosthetic Internship/Residency Program, form number DH-MQA 1133.07/09, which is incorporated by reference and which is available from the Board office or the Board's web site: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History—New 11-1-99, Amended 7-2-07, 5-28-09,

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1003
 RULE TITLE: Active License Renewal Fees

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The Notice of Proposed Rulemaking summarized a Statement of Estimated Regulatory Costs (SERC). An updated SERC has been approved by the Board. The following is a Summary of the updated Statement of Estimated Regulatory Costs:

- The estimate of the number of individuals likely to be required to comply with this rule amendment is approximately 25,344 active pharmacist licensees and 2,352 active consultant pharmacist licensees.
- There will be no additional costs incurred by the agency for enforcing the proposed change to the rule.
- The recurring additional transactional cost of \$5.00 would be incurred biennially for active registered pharmacists and \$50.00 for active consultant pharmacists.
- Small businesses will not be affected. The rule does not require the small business to pay the renewal fee, but if the small business chooses to pay the renewal fee, the impact of the rule amendment will be \$5.00 for each registered pharmacist and \$50.00 for each consultant pharmacist.
- There is no small county or small city that will be impacted by the proposed rule.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.005
 RULE TITLE: Supervised Experience Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly.

The change is in response to comments stated at the October 16, 2009 Board meeting. The Board determined that the Statement of Regulatory Costs previously prepared and approved was appropriate and no modifications were necessary with the changes.

The change is as follows:

64B19-11.005 Supervised Experience Requirements.

The law requires 4,000 hours of supervised experience for licensure. The Board recognizes that the applicant’s internship satisfies 2,000 of those hours. This rule concerns the remaining 2,000 hours.

(1) Definitions. Within the context of this rule, the following definitions apply:

(a) “Association” or “in association with”: the supervisory relationship between the supervisor and the psychological resident.

(b) “Psychology ~~Psychological Resident or Post-Doctoral Fellow psychology Applicant.~~ psychological resident or post-doctoral fellow psychology” A psychology ~~psychological resident or post-doctoral fellow psychology~~ is a person who has met Florida’s educational requirements for licensure and intends from the outset of the supervised experience to meet that part of the supervised experience requirement for licensure which is not part of the person’s internship.

(c) “Supervisor.” A supervisor is either a licensed Florida psychologist in good standing with the Board, or a doctoral-level psychologist licensed in good standing in another state providing supervision for licensure in that state. However, where the psychology resident or post-doctoral fellow psychology applicant is on active duty with the armed services of the United States, the supervisor may be a doctoral-level psychologist licensed in good standing in any state, regardless of where the supervision is conducted.

(d) All applicants for licensure shall use the title psychology resident or post-doctoral fellow until licensed as a psychologist.

(e) The psychology resident or post-doctoral fellow shall inform all service users of her or his supervised status and provide the name of the supervising psychologist. All written work, consultation, reports, and summaries shall be cosigned by the supervising psychologist. Progress notes may be cosigned at the discretion of the supervision psychologist.

(2) Requirements and Prohibitions. All applicants for licensure must complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision comports with subsection (3) of this rule.

(a) No change.

(b) A psychology resident or post-doctoral fellow ~~psychology applicant~~ may be supervised by more than one supervisor. If there is more than one supervisor, however, then one of the supervisors must be identified as the primary supervisor. The primary supervisor shall be the supervisor who enters into the agreement with the applicant for licensure, for supervision, and who integrates all of the applicant's supervisory experiences.

(c) No change.

(3) Supervisors' Responsibilities. The Board requires each primary supervisor to perform and to certify that the primary supervisor has:

(a) Entered into an agreement with the applicant for licensure, which details the applicant's obligations and remuneration as well as the supervisor's responsibilities to the applicant;

(b) Determined that the psychology resident or post-doctoral fellow ~~psychology applicant~~ was capable of providing competent and safe psychological service to that client;

(c) Maintained professional responsibility for the psychology resident or post-doctoral fellow's ~~psychology applicant's~~ work;

(d) No change.

(e) Prevailed in all professional disagreements with the psychology resident or post-doctoral fellow ~~psychology applicant~~;

(f) Kept informed of all the services performed by the psychology resident or post-doctoral fellow ~~psychology applicant~~;

(g) Advised the Board if the supervisor has received any complaints about the psychology resident or post-doctoral fellow ~~psychology psychological applicant~~ or has any reason to suspect that the resident is less than fully ethical, professional, or qualified for licensure.

(4) No change.

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

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.:	RULE TITLES:
64J-1.001	Definitions
64J-1.006	Neonatal Transports

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 26, July 2, 2009 issue of the Florida Administrative Weekly.

The Bureau of Emergency Medical Services submitted a Statement of Estimated Regulatory Costs (SERC). A summary of the SERC reads as follows:

- The 200 or more Emergency Medical Ambulance Services currently authorized to perform Neonatal Transports will be required to comply with the rules.
- The only costs to be incurred by the Department are rulemaking costs. No effect on state or local revenue is expected.
- The proposed change will impact 100-499 small businesses. No small county or city will be impacted by the rule.
- The costs to be incurred by individuals and entities required to comply with the rules will either remain the same or be reduced.
- The costs to be incurred on small businesses required to comply with the rules will either remain the same or be reduced.

The foregoing change does not affect the substance of the Notice. The person to be contacted regarding the above change is: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, phone: (850)245-4440, ext. *2733, email: Lisa_Walker2@doh.state.fl.us.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.:	RULE TITLES:
64J-1.001	Definitions
64J-1.006	Neonatal Transports

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 26, July 2, 2009 issue of the Florida Administrative Weekly.

64J-1.001 Definitions.

In addition to the definitions provided in Sections 395.401, 395.4001, 401.107, and 401.23, F.S., the following definitions apply to these rules:

(14) Neonatal Ambulance – means an ALS ~~permitted~~ vehicle permitted solely for Neonatal Transport.

(15) Neonatal Transport – means critical care interfacility transport of any neonate from a hospital licensed under Chapter 395, F.S., to a hospital facility licensed under Chapter ~~395~~ 408, F.S., to deliver Level II or Level III neonatal intensive care services as defined in Rule 59C-1.042, F.A.C.

(16) No change.

Rulemaking Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.4001, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History—New 4-26-84, Amended 3-11-85, Formerly 10D-66.485, Amended 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, 6-9-05, 10-24-05, 4-22-07, Formerly 64E-2.001, Amended 1-12-09, _____.

64J-1.006 Neonatal Transports ~~Transfers~~.

(1) A Neonatal Ambulance shall meet the requirements listed in Table V, paragraphs 64J-1.006(1)(c) and (d) and subsections 64J-1.006(2) and (3), F.A.C., and shall be exempt

from meeting the equipment and medical supply requirements ~~supplies~~ listed in Rule 64J-1.002, Table I, ~~F.A.C.~~, and in Rule 64J-1.003, Table II, ~~F.A.C.~~.

(2) For any Neonatal Transport, the Medical Director and the receiving neonatologist ~~and the Medical Director~~ shall confirm that the level of care, staffing, and equipment is commensurate to the needs of the Neonate being transported.

(3) No change.

(4) Any EMS provider operating a Neonatal Ambulance shall have a Medical Director for all Neonatal Transports who meets the requirements of paragraphs 64J-1.004(1)-(4)(a)-(f), F.A.C., except as follows:

(a) through (e) No change.

TABLE V
(Reference Section 64J-1.006, F.A.C.)
Neonatal Transports ~~Transfers~~

ITEM	QTY.
1. Direct two-way communications with the designated neonatologist or attending physician and or receiving ICU.	
2. A standby or backup power source other than the one contained in the isolette.	One.
3. A source of electrical power sufficient to operate the isolette and ancillary electrically powered equipment.	One.
4. A transport incubator with portable power supply, portable oxygen tanks or liquid oxygen, and a source of compressed air, including appropriate valves, meters, and fittings.	One.
5. Portable heart rate monitor with visual or audible display and alarm system.	One per patient.
6. Portable blood pressure monitor with assortment of cuff sizes suitable for infants.	One each.
7. Battery powered mechanical I.V. pumps capable of delivering as low as 1 CD. increments for I.V. fluids.	Two.
8. Battery or self-powered oxygen sensor and transcutaneous oxygen monitor or oxygen saturation monitor.	One.
9. Oxygen delivery device and tubing capable of administering high	One.

concentrations of oxygen.		
10. Temperature monitoring device.		One.
11. Portable ventilator appropriate for neonatal patients.		One.
12. Anesthesia and/or self-inflating bag with oxygen reservoir less than 750 ml and manometer (pressure gauge); premature, newborn and infant size clear masks.		
13. Laryngoscope handle.		One.
14. Blades.		Miller 00, Miller 0.
15. Bulbs and batteries.		Two each.
16. Endotracheal tubes.		2.0, 2.5, 3.0, 3.5, 4.0.
17. Stylet.		Two each.
18. Adapters.		Assortment of sizes.
19. Oral Airways.		Assortment of sizes.
20. Suction equipment with low suction capabilities of less than 80 mm of hg.		One.
21. Sterile Gloves assorted sizes for all crew members.		Sufficient quantity
22. Suction catheters.	Size 5.0, 6.0, 6.5 , 8, & 10	Two each.
23. Syringes sizes 1 cc. through 60 cc.		Assortment of sizes.
24. Medication access device.		Two each.
25. Vascular access devices 23-27 gauge.		Assortment of sizes.
26. I.V. extension tubing.		Sufficient length to administer I.V.
27. Securing device.		Assorted sizes.
28. I.V. filters.		Two.
29. Umbilical catheters.	Size 3.5 & 5	Two.
30. Antiseptic solution.		Ten.
31. Blood sugar device.		One.
32. Lancets.		Five.
33. Neonatal stethoscope.		One.
34. Flashlight.		One.
35. Gauze pads.		Assortment of sizes.
36. No. 5 & No. 8 French feeding tubes.		One each.
37. High intensity light capable of transillumination.		One.
38. Approved biomedical waste plastic bag or impervious container and used sharps container per Chapter 64E-16, F.A.C.		One each.
39. Gloves latex or other suitable materials.		Sufficient quantity for all crew members.
40. Respiratory face masks.		Sufficient quantity for all crew members.
41. Special procedure tray or instruments with capability for performing		One.

umbilical catheterization, venous
cutdown and thoracostomy.

- 42. Bulb syringe. (Additional to OB kit) One.
- 43. Cord clamp. One.
- 44. Chest tube evacuation device. One.
- 45. Needle aspiration device or chest tubes. Appropriate sizes for neonate.

MEDICATION	WT/VOL	QTY.
1. Atropine Sulfate.	1 mg./10 ml.	One.
2. Injectable Vitamin K.	1 mg./0.5 ml.	One.
3. Antibiotics, to be determined by medical director.		
4. Calcium Gluconate.	10% 10- ml.	One.
5. Digoxin ped.	0.1 mg./ml.	One.
6. Anticonvulsant as required by medical director.		
7. Dextrose.	50% 50 cc.	One.
8. Dopamine or dobutamine.	Depends on medication	One.
9. Epinephrine.	1:10,000	One.
10. Eye prophylaxis.		One.
11. Furosemide (Lasix).	20 mg./2 ml.	One.
12. Heparin.		One.
13. Lidocaine.	1%/2 mg.	One.
14. Naloxone (Narcan).	1.0 mg./ml or .4 mg./ml.	One.
15. Paralyzing agent.		One.
16. Phenobarbital.		One.
17. Prostin VR. (available for transport)	500 mcg/ml.	One.
18. Sodium Bicarbonate.	4.2% soln.	One.
19. Sedative as determined by the Medical Director.		One.
20. Volume expander.		One.
21. I.V. fluid.	Bags of D5W and D10W	One each.
22. Injectable non-preservative sterile water.		One.
23. Injectable non-preservative normal saline.		One.

(5)(2) Each Neonatal Transport shall be staffed with a minimum of two persons, excluding the driver or pilot. One person shall be a Registered Nurse (RN), the second person shall be either an RN, a respiratory therapist (RT), or a paramedic. Physicians may be substituted by the Medical Director for either of the two persons. The staffing for each Neonatal Transport shall be determined by the Medical

Director. The Medical Director shall confirm that the staffing for each Neonatal Transport is capable of performing neonatal advanced life support procedures, as referenced by the American Academy of Pediatrics in *Guidelines for Air and Ground Transport of Neonatal and Pediatric Patients, 3rd ed., 2007*, which is incorporated by reference and available at <http://www.aap.org>.

(a) The Medical Director shall confirm the RN is licensed in accordance with Chapter 464, F.S.; has a minimum of 4,000 hours RN experience, which includes 2,000 hours of Level II or Level III Neonatal Intensive Care Unit (NICU) nursing experience; has an American Heart Association (AHA) Neonatal Resuscitation Program (NRP) Certification ~~or equivalent certification; has successfully completed a neonatal transport stabilization program within 2 years prior to application to Neonatal Transport, approved in writing by a Medical Director;~~ and has accompanied a minimum of six Neonatal Transports prior to staffing a Neonatal Transport as the only RN in attendance.

(b) The Medical Director shall confirm the RT is registered by the National Board of Respiratory Care with a minimum of 2,000 hours of Level II or Level III NICU experience or is certified as a RT with a minimum of 3,000 hours of Level II or Level III NICU experience. The Medical Director shall also confirm that the RT has:

1. An AHA NRP Certification ~~or an equivalent certification; and~~
2. ~~Successfully completed a neonatal transport stabilization program within 2 years prior to application to Neonatal Transport, approved in writing by a Medical Director; and~~
3. Accompanied a minimum of six Neonatal Transports prior to staffing a transport as the only RT in attendance.

(c) The Medical Director shall confirm the paramedic is ~~either a Florida-licensed paramedic with a minimum of 2,000 hours of Level II or Level III NICU experience or a Florida-licensed paramedic with a minimum of 5,000 3,000 hours experience and has an.~~ The Medical Director shall also confirm that the paramedic has:

1. ~~An AHA NRP Certification or equivalent certification;~~
2. ~~Successfully completed a neonatal transport stabilization program within 2 years prior to application to Neonatal Transport, approved in writing by a Medical Director; and~~
3. ~~Accompanied a minimum of six Neonatal Transports prior to staffing a Neonatal Transport.~~

(d) No change.

(6) No change.

Rulemaking Specific Authority 381.0011, 383.19, 395.405, 401.251(6), 401.35 FS. Law Implemented 381.001, 383.15, 395.405, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.30, 401.31, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History—New 11-30-93, Amended 1-26-97, Formerly 10D-66.0525, Amended 8-4-98, 9-3-00, 12-18-06, Formerly 64E-2.006, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

<p>RULE NOS: 65C-35.001 65C-35.002 65C-35.003 65C-35.004 65C-35.005 65C-35.006 65C-35.007 65C-35.008 65C-35.009 65C-35.010 65C-35.011 65C-35.012 65C-35.013</p>	<p>RULE TITLES: Definitions Behavioral Health Services Authority to Provide Psychotropic Medications to Children and Youth in Out-of-Home Care Placements Parental and Caregiver Involvement Medication Monitoring Special Requirements for Children Ages Birth through 5 years Requests for Second Opinions Preconsent Review for Provision of Psychotropic Medications for Children Ages Birth through 5 Years Parent/legal Guardian Rights Terminated; Parent/Legal Guardian Refuses to Participate; or Parent/legal Guardian Location/Identify Unknown Emergency Administration of Psychotropic Medication Medication Administration and Monitoring Requests for Second Opinions Medical Report</p>
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NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 43, October 30, 2009 issue of the Florida Administrative Weekly. The spelling of the hearing location scheduled December 7, 2009 from 1:00 p.m. – 4:00 p.m. is incorrect. The original notice misspelled Winewood as “Winnowed.” The correct place of the hearing is as follows: Department of Children and Families, Winewood Complex, 1317 Winewood Boulevard, Building 4, Tallahassee, Florida 32399.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Property Tax Oversight Program

<p>RULE NO.: 12DER09-5</p>	<p>RULE TITLE: Disclosure and Certification of Compliance; Filing of Documents Relating to Millage Levy Compliance Commencing 2009</p>
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