

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
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PURPOSE AND EFFECT: This is a substantial amendment of Rule Chapter 14-61, F.A.C., consisting of a new Part I, Part II, and Part III structure. Part I – General will be based upon the current rule. However, because it will be broken into three separate rules, the existing Rule 14-61.0011, F.A.C., is being repealed and the three new rules, based upon portions of the existing rule, are adopted as new. Part II – Turnpike Tandems and Part III – Regulations Covering the Operation and Safety of Turnpike Tandems are based upon existing rules in Rule Chapter 14-54, F.A.C. Upon adoption of these new rules, the existing Rule Chapter 14-54, F.A.C., will be repealed.

SUBJECT AREA TO BE ADDRESSED: This is a revision of Rule Chapter 14-61, F.A.C., to include repeal of the existing rule and adoption of 17 new rules with a three part structure. The new rules being adopted in Part I are based upon the existing Rule 14-61.0011, F.A.C., which is being repealed. The new rules being adopted in Parts II and Part III amend and replace existing rules currently in Rule Chapter 14-54, F.A.C.

RULEMAKING AUTHORITY: 316.515(12), 334.044(2), 338.239 FS.

LAW IMPLEMENTED: 316.515, 316.655, 338.22-338.241, 338.239 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-61.0011 Florida’s Turnpike System.

Rulemaking Authority 316.515(12), 334.044(2), 338.239 FS. Law Implemented 338.01, 338.22-241 ~~338.239~~ FS. History–New 8-5-96, Amended 10-30-96, Repealed.

14-61.0012 Definitions.

Unless defined below, words, phrases, or terms contained herein shall have the definitions set forth in Florida Statutes, including Chapters 316 and 338, F.S. As used in these rules and regulations, the following words, phrases, or terms shall have the following meanings, where context will permit:

(1) “Department” means the State of Florida Department of Transportation.

(2) “Turnpike System” means as defined in Section 338.221(6), F.S.

(3) “Turnpike Tandem” means any combination of truck tractor, semitrailer, and trailer combination coupled together so as to operate as a single unit, in which either the semitrailer or the trailer unit exceeds 28 feet in length but in which neither the semitrailer nor the trailer unit exceeds 48 feet in length and which are operated in compliance with Parts II or III of this rule chapter.

(4) “Turnpike Tandem Permit” means a authorization issued by the Department’s Road Use Permits Office for the specific and limited purpose of allowing combinations known as turnpike tandems to operate on the Turnpike System.

(5) “Tandem Trailer Truck” means as defined in Section 316.03(71), F.S.

Specific Authority 334.044(2), 338.239 FS. Law Implemented 316.515, 338.239 FS. History–New _____.

14-61.0013 Tolls.

(1) Vehicle Classifications for Toll Schedule Purposes. For purposes of determining tolls payable under the Toll Schedule fixed by the Department for use of the Turnpike System, the base fare shall be based on two-axle vehicles and increased by an equal amount for each additional axle.

(2) Toll Rules and Rates on the Florida Turnpike System.

(a) Evasion of Tolls. This includes entering or leaving the Turnpike System or any part of its right of way, except through the regular toll lanes (except in emergency cases, and then only under the control and supervision of the Florida Highway Patrol or Toll Collectors), or committing any other act with the intent to defraud or evade payment of tolls is prohibited. Enforcement of toll violations shall be in accordance with Rule Chapter 14-100, F.A.C., and all applicable toll enforcement statutes.

(b) Loss of Toll Ticket. The operator of a vehicle on the ticket system portion of the Turnpike System who, for any reason, does not have a toll ticket upon reaching an exit toll station, shall be charged the toll for the appropriate vehicle classification from the most distant toll station within the closed ticket portion of the Turnpike System.

(c) Exit of Vehicle at Point of Entry.

1. The operator of a vehicle on the ticket system portion of the Turnpike System who presents a toll ticket for payment to a toll collector at the same toll station at which such toll ticket was issued, shall be charged the toll for the appropriate vehicle classification from the nearest legal U-Turn point.

2. The operator of a vehicle on the electronic toll collection portion of the Turnpike System who exits the electronic toll collection portion of the Turnpike System at the same toll station at which such vehicle entered the electronic toll collection portion of the Turnpike System, shall be charged the toll for the appropriate amount for the vehicle classification from the nearest legal U-turn point.

(3) Upon entering the Turnpike System a Turnpike Tandem will be treated as two units and charged according to the current classification schedules and method of toll collection:

(a) The first unit will be the tractor and lead trailer; and

(b) The second unit will be the converter dolly and the second trailer.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.1001, 338.155, 338.165(3), 338.239 FS. History—New _____.

14-61.0014 Limitations on Use of Turnpike System.

In addition to the prohibitions and limitations of Chapters 316 and 338, F.S., use of the Turnpike System and entry thereon by the following is prohibited:

(1) Vehicles, including any load thereon, exceeding the maximum dimensions of Section 316.515, F.S., except under special hauling permit issued by the Department or vehicles operated under Tandem Permits issued by the Department.

(2) Vehicles carrying explosives, except under a special hauling permit issued by the Department, and in compliance with the rules and regulations promulgated by the State Insurance Commissioner and Section 316.302, F.S.

Rulemaking Authority 316.550(5), 334.044(2), 338.239 FS. Law Implemented 316.550(1), 324.044(14), 338.239 FS. History—New _____.

14-61.0015 Prohibitions on the Turnpike System.

(1) Hitchhiking – Loitering. The solicitation of a ride, commonly known as “hitchhiking,” on any portion of the Turnpike System, including toll plazas, is strictly prohibited. Loitering in or about the toll plazas, bridges, overpasses, underpasses, or any other structure, or any other portion of the Turnpike System, is prohibited.

(2) Soliciting or Carrying on Commercial Activity. No person shall:

(a) Engage in any commercial activity on the Turnpike System without the written permission of, or unless under contract with, the Department or Turnpike Enterprise. Nor shall any person solicit business or funds for any purpose on the Turnpike System without written permission granted by the Department or Turnpike Enterprise. No person shall at any time or in any manner electioneer on any part of the Turnpike System for or against any party ticket or any candidate for nomination, or officer on any party ticket, or for or against any proposition of any kind or nature to be voted upon at any election.

(b) Post, distribute, or display signs, advertisement, circulars, printed or written matter on the Turnpike System without written permission from, or written contract with, the Department or Turnpike Enterprise.

(c) Throw, cast, fling, heave, hurl, toss, shoot or discharge any pellet, rock, stone, bomb, gun, firearm or any other article, or item over, across, under or along any road, bridge, overpass, underpass, or any other structure of the Turnpike System.

(d) No person shall disturb, tamper with or attempt to destroy, injure or deface, damage, mutilate, or remove any sign, delineator, structure, building, fence, trees, flowers, shrubs, or any other property or equipment of the Turnpike System, or any of its concessionaires.

(e) Fail, neglect or refuse to comply with the collectors at toll booths and such other officials as may be employed by the Turnpike system for such purposes.

(3) Alcoholic Beverages. The consumption of alcoholic beverages is prohibited on the Turnpike System.

(4) Weapons. Brandishing of weapons by any person is prohibited on the Turnpike System.

(5) Operation of Vehicles. Except for those provisions which are inconsistent with or modified by these rules, the provisions of Chapter 316, F.S., State Uniform Traffic Control, shall apply on the Turnpike System.

(6) Speed Limits. All vehicles shall comply with the posted speed limit. No vehicles shall be operated on the Turnpike System less than 50 miles per hour, except where a lesser speed is posted, or when necessary to do so under the conditions of the road, inclement weather, or with regard to the actual and potential hazards then existing upon the Turnpike System.

(7) Use of Median Strip. No person shall operate a vehicle on the median strip. Driving a vehicle on the median strip is prohibited.

(a) Exceptions. Prohibition on use of the median strip shall not apply to Turnpike construction vehicles, Florida Highway Patrol, Turnpike Maintenance or official Department vehicles, or to their emergency service vehicles; nor to fire vehicles or ambulances, when operated in the performance of their official duties, provided that the operator thereof uses caution so as not to interfere with or endanger traffic.

(b) Prohibition on use of the median strip shall not apply to other emergency-service vehicles, if the crossing or use of the median strip is necessary for the purpose of towing, repairing or otherwise servicing a disabled vehicle provided that such crossing of the median strip shall be made only under the supervision and with the consent of the Florida Highway Patrol or an employee, agent, or contractor of the Department. Such crossing or use on the Turnpike System shall be further restricted to emergency service vehicles, not operated by garages under contract with the Department, coming to the assistance of a disabled trucking or bus company vehicle, provided that such emergency service vehicle is owned and operated by, or under contract with, the subject company whose vehicle is disabled. Disabled vehicles in tow by any emergency service vehicles operating under these conditions shall be allowed to cross or use the median strip.

(c) Upon the recommendation of the Florida Highway Patrol the Department will authorize parking in the median strip. Parking shall, however, be permitted only if such parking will not interfere with maintenance operations. Such parking in the median strip shall be authorized only if considered by the Florida Highway Patrol to not be dangerous or impractical.

(8) No U Turns. The making of a U turn at any point on the Turnpike System is prohibited unless authorized by the Florida Highway Patrol or the Department. Excepted from the provisions of this paragraph are such authorized vehicles as described under subsection 14-61.015(6), F.A.C., above, and then only under such conditions as are described therein.

(9) Overtaking a Vehicle. The provisions of the Florida Uniform Traffic Control Law shall be applicable to the overtaking and passing of vehicles on the Turnpike System except in areas posted to the contrary.

(10) Parking, Stopping or Standing of Vehicles on Traffic, Deceleration or Acceleration Lanes. No vehicle on the Turnpike System shall be parked, stopped, or allowed to stand on the traffic lanes, acceleration lanes, deceleration lanes, bridges, structures, access ramps, or on shoulders in front of service areas between the traffic lane and the service area, or at any other place where posted to the contrary. Parking, standing, or stopping on the shoulders of the Turnpike System shall be permitted only in an emergency, or when authorized by the Department, or as directed by the Florida Highway Patrol, and then only on the shoulder to the right of the traffic lane facing

in the direction of travel and only on condition that all wheels and projecting parts of the vehicle and load shall be completely clear of the travel lanes. In the event that it is necessary for the operator of a truck or tractor-trailer to leave a vehicle on the Turnpike System unattended and it is impossible or impractical to have such vehicle towed off the Turnpike System, the operator shall obtain a parking permit from the Florida Highway Patrol before leaving the Turnpike System. The provisions of this paragraph shall not apply to vehicles owned by the Department.

(11) Impounding of Vehicles. Vehicles illegally parked or abandoned on the Turnpike System may be towed off the Turnpike System and impounded. Such vehicles may not be removed from the storage compound until after the payment of towing, storage and other charges.

(12) Penalty. The penalty provisions of the laws of the State of Florida, and Section 316.655, F.S., where applicable, shall apply to any person violating any of the above rules and regulations.

Rulemaking Authority 334.044(2), 338.2216(1)(b), 338.235, 338.239 FS. Law Implemented 316.083, 316.090, 316.183, 316.655, 338.234, 338.237, 338.239 FS. History—New _____.

PART II TURNPIKE TANDEM

14-61.0016 Turnpike Tandem Access.

The Turnpike Enterprise will allow turnpike tandems access to the Turnpike System, consistent with the provisions specified herein:

(1) Size, Weight, and Safety Enforcement.

(a) The Motor Carrier Compliance Office, the Turnpike Enterprise, the Florida Highway patrol, or their respective staffs are authorized to inspect all equipment used in the tandem operation and to reject any defective equipment.

(b) The Motor Carrier Compliance Office has primary responsibility for enforcing commercial vehicle size, weight, and safety laws and rules on the Turnpike System.

(c) The Florida Highway Patrol has primary responsibility for enforcing the State's general traffic safety on the Turnpike System.

(2) Turnpike Tandem Permits and Certifications.

(a) The Department's Road Use Permits Office is responsible for issuing oversize/overweight Turnpike Tandem permits. All other certifications must be obtained from the Turnpike Enterprise.

(b) The permittee is responsible for any vehicle operating with an oversize/overweight permit and other certifications and for complete compliance with all terms of the permit and certification, including:

1. Ensuring that the driver is qualified to operate the vehicle and understands the terms and conditions of the permit, certifications, and the provisions of this rule chapter.

2. Ensuring that the vehicle is inspected and maintained in a safe and reliable condition; and

3. Ensuring that the vehicle operates in conformity with the permit, certifications, and the provisions of this rule chapter.

(c) Turnpike tandem permits are issued for the Turnpike system only. No authority is given to Turnpike Tandems to travel on routes off the Turnpike System.

(3) Original Application. To operate Turnpike Tandems on the Turnpike System, submit the following certifications to:
Florida Turnpike Enterprise Director of Highway Operations
Pompano Service Area, M.P. 65
Post Office Box 9828
Fort Lauderdale, Florida 33310-9828.

<u>Form Number</u>	<u>Revision Date</u>	<u>Title</u>
<u>800-040-01</u>	<u>04/09</u>	<u>Certification of Turnpike Tandem Trailer Equipment (Tractor)</u>
<u>800-040-02</u>	<u>04/09</u>	<u>Certification of Turnpike Tandem Trailer Equipment (First or Lead Trailers)</u>
<u>800-040-03</u>	<u>04/09</u>	<u>Certificate of Insurance</u>
<u>800-040-04</u>	<u>04/09</u>	<u>General Certification Covering Turnpike Tandem Trailer Operations by Permittee</u>
<u>800-040-05</u>	<u>04/09</u>	<u>Certification for Special Permit to Operate Turnpike Tandem Trailer Vehicle</u>
<u>800-040-06</u>	<u>04/09</u>	<u>Certification of Turnpike Tandem Trailer Equipment (Dolly Converters)</u>
<u>800-040-07</u>	<u>04/09</u>	<u>Certification for Special Certificate to Operate Turnpike Tandem Trailer Vehicle</u>

The above listed forms are hereby incorporated by reference and made a part of these rules. Copies of these forms are available at:

(4) All tractors, laden first semi-trailer, and dollies must be approved and authorized by the Turnpike Enterprise before operating under a Turnpike Tandem certification. Authorization will be withdrawn by the Turnpike Enterprise when it determines that there is a material inconsistency between the provisions of the certification and the equipment in question, or that the continued operation on the Turnpike System would constitute an unsafe operation. <http://formserver.dot.state.fl.us/capture/listings/FormListing.aspx?ListType=FormNumber>.

(5) Identification Numbers and Certification.

(a) An identification number will be issued by the Turnpike Enterprise. A decal displaying the identification number must be purchased by the Permittee and shall be placed on the left side of each tractor, lead trailer, and dolly approved for use in tandem trailer operations. The numerals must be white on green background; at least three inches in height; and, must be visible to a person standing at ground level.

(b) The Permittee must complete Form 800-040-01, Certification of Turnpike Tandem Trailer Equipment (Tractor), bearing a description of the tractor. Upon review and approval by the Department, this certification shall be carried in the cab of the tractor which it describes. Tractor certificates authorize only the vehicle described therein and shall be made available at any time for inspection by the Turnpike Enterprise, Motor Carrier Compliance Office, Florida Highway Patrol, or their respective staffs. Any discrepancy between the description on the tractor certificate and the actual description of the vehicle will result in the withdrawal of approval.

(c) The Permittee must complete Form 800-040-02, Certification of Turnpike Tandem Trailer Equipment (First or Lead Trailers), bearing a description of the lead trailer or dolly. Certificates for lead trailers and dollies are not required to be carried by the operator.

(6) Renewal of General Certification. Turnpike Tandem certifications may be renewed by submitting Form 800-040-04, General Certification Covering Turnpike Tandem Trailer Operations. The certificate is renewed and effective September 1st of each year, through August 31st of the following year. Request for certification renewal must be submitted at least 30 days prior to the expiration date. The Florida Turnpike Enterprise does not provide notification of certification expiration.

(7) Responsibility of Permittee.

(a) Each certificate to operate turnpike tandems shall be valid only when the Permittee has filed Form 800-040-03, Certificate of Insurance, attesting to the fact that the Permittee has secured public liability insurance maintained in compliance with Sections 627.7415 and 627.742, F.S., and 49 C.F.R., Part 387, Subpart A, where applicable. The named insured shown on all such applied policies shall include the Florida Highway Patrol, the Motor Carrier Compliance Office, the Turnpike Enterprise, and each of their respective officers, agents, and employees.

(b) Such public liability insurance certificate shall explicitly state that the Turnpike Tandem operations of the Permittee are expressly covered under the policy(ies) in effect, or in the alternative, that there is no exclusion in said policy relative to Turnpike Tandem operations by the Permittee. Such certificate shall also provide that the coverage under the policy may not be canceled without 30 days prior notice, in writing, to the Executive Director of the Florida Turnpike Enterprise. In the event of cancellation of such public liability insurance policy, every Turnpike Tandem covered by that certificate shall be automatically cancelled.

(c) Certificates of self-insurance issued by the Florida Department of Highway Safety and Motor Vehicles will be accepted in fulfillment of the insurance requirements stated herein, providing such certificates satisfy all the specific requirements.

(d) Description of coverage shall include: Public liability arising in respect to all movement of tandem trailer units. This includes service trucks, wreckers, or any other vehicles used in the service of the tandem trailer operation, by the Permittee or by anyone acting by, through, or for the Permittee, including omissions and supervisory acts of the Motor Carrier Compliance office, the Turnpike Enterprise, the Florida Highway Patrol, and each of their respective officers, agents, or employees.

(8) Other Permittee information. The Permittee shall, upon request, furnish the Turnpike Enterprise with all data and information pertaining to an individual trip by a Turnpike Tandem or the overall tandem trailer operation of the Permittee on the Turnpike System.

(9) Voided Certifications and Permits. When in the interest of health, safety, or welfare of the citizens of the State, the Turnpike Enterprise determines that operation of a turnpike tandem constitutes a hazard to Turnpike System operations, certifications will be voided in whole or in part. A turnpike tandem oversize/overweight permit will be voided, in whole or in part, by the Road Use Permits Office or the Motor Carrier Compliance Office if the vehicle is in violation of the requirements of the oversize/overweight permit; or if the operation of the Turnpike Tandem is determined to be unsafe.

Rulemaking Authority 334.044(2), 334.044(14), 338.2216(1)(b), 338.239 FS. Law Implemented 316.515, 316.646, 321.05, 324.171, 334.044(14), 334.044(32), 338.22-.244, 338.239(2) FS. History–New _____.

PART III – REGULATIONS COVERING THE OPERATION AND SAFETY OF TURNPIKE TANDEM

14-61.0017 Other Regulations.

(1) Driver Requirements.

(a) All drivers of Turnpike Tandem trailer must have a current Commercial Driver's License (CDL) with an endorsement for double trailers consistent with the provisions of Section 322.57, F.S.

(b) All drivers of Turnpike Tandems and all other individuals or companies operating turnpike tandems must comply with Section 316.302(1), F.S., except that driver exemptions as set forth in 49 C.F.R. Sections 391.21 and 391.67 shall not apply to drivers of turnpike tandems.

(c) All drivers of Turnpike Tandems must have a minimum of five years' experience driving truck tractor semi-trailer combinations.

(d) A driver of a Turnpike Tandem must have had no suspension or revocation of driving privileges in any state or province during the past three years where such suspension arose out of operations of a commercial motor vehicle.

(2) Overall Length, Height, and Width.

(a) All overdimensional rules of the Turnpike Enterprise shall apply to Turnpike Tandems unless specifically excluded under the provisions of this rule chapter.

(b) The overall cargo carrying length of a Turnpike Tandem, as measured from the front of the first trailer to the rear of the second trailer including, the interval between the two trailers, shall not exceed 106 feet.

(c) Turnpike Tandems shall not exceed 13 feet 6 inches in height or 8 feet 6 inches in width.

(3) Weight and Axle Requirements.

(a) All overweight rules of Section 316.515, F.S., shall apply to Turnpike Tandems unless specifically excluded under the provisions of this rule chapter.

(b) The maximum gross weight of the truck tractor and the first semitrailer of a Turnpike Tandem shall not exceed 80,000 pounds.

(c) The maximum gross weight of the unit of dolly and second trailer of a Turnpike Tandem shall not exceed the lesser of:

1. 67,000 pounds, or

2. The weight provisions of the State's outer bridge formula set forth in Section 316.535(5), F.S., as measured between the center of the foremost axle of the dolly and the rearmost axle of the trailer.

(d) In the event that a Turnpike Tandem is composed of trailers of unequal gross weight, the heavier of the two shall be used as the lead trailer.

(e) The gross weight limits described in Chapter 316, F.S., may be exceeded with valid oversize/overweight permit issued by the Road Use Permits Office for a maximum gross weight not to exceed 147,000 pounds.

(f) A minimum of five load bearing axles are required unless stated otherwise in a valid oversize/overweight permit issued by the Road Use Permits Office.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.515(12), 322.57, 322.61, 338.239 FS. History–New _____.

14-61.0018 Tractor Requirements.

(1) A tractor used to propel a Turnpike Tandem shall be capable of traveling at a speed of not less than 50 mph except where lower speed limits are posted.

(2) Prior to approval, both the tractor manufacturer and the Permittee shall certify to the Turnpike Enterprise on Form 800-040-01, Certification of Tandem Trailer Equipment (Tractor), that the vehicles proposed to be furnished and used will meet the minimum speed requirements.

(3) A tractor engaged in Turnpike Tandem operations failing to meet such requirement shall not be used to haul a turnpike tandem on the Turnpike System until the gross loads are reduced, the tractor is modified, or other corrective measures have been taken.

(4) Upon a new certification by both the tractor manufacturer and the Permittee that corrective measures have been taken and the tractor meets the minimum speed

requirement, the Turnpike Enterprise will reinstate its approval of the described Turnpike Tandem and it may be used in Turnpike Tandem operations.

(5) A tractor engaged in Turnpike Tandem trailer operations must also certify on Form 800-040-01, Certification of Tandem Trailer Equipment (Tractor), that the unit is qualified to haul a total gross weight of at least 147,000 pounds.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.183(2) FS. History—New _____.

14-61.0019 Tire Requirements.

(1) Each axle on a Turnpike Tandem 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, 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 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 316.535(1), 334.044(2), 338.239(1) FS. Law Implemented 316.535(6), 338.239 FS. History—New _____.

14-61.0020 Brake Regulations.

(1) Every Turnpike Tandem shall be equipped with full air brakes or air activated hydraulic brakes on the tractor and either air or electric brakes on the dolly and trailers. All brakes shall equal or exceed both the equipment requirements and the performance standards cited in Chapter 316, F.S., and Sub-part C "Brakes," C.F.R., Sections 393.40 through 393.52, hereby incorporated by reference.

(2) The brakes on any vehicle, or combination of vehicles, used in the Turnpike Tandem operations shall be adequate to control the movement of, and to stop and hold, such vehicle, or combination of vehicles, and meet the general requirements of the provisions of the Florida Uniform Traffic Control Law, Section 316.262, F.S.

(3) The Permittee shall certify to the Turnpike Enterprise on Form 800-040-04, General Certification Covering Turnpike Tandem Operations by Permittee, that the brakes on any vehicle or combination of vehicles used as a Turnpike Tandem meet the specific requirements specified in this rule.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.261-.263, 338.239 FS. History—New _____.

14-61.0021 Emergency Equipment.

Each tractor used in Turnpike Tandem trailer operations shall be equipped with the following emergency equipment:

(1) A fire extinguisher having an Underwriters Laboratories rating of 5B:C or two or more fire extinguishers having an Underwriters Laboratories rating of 4B:C or more. For the purpose of this requirement, a vehicle deemed to be transporting hazardous materials must be placarded in accordance with Section 316.302, F.S., and 49 C.F.R.

(2) Warning devices for stopped vehicles. At least three bi-directional reflective triangles which conform to the standard for such devices contained in Section 393.95, Title 49 C.F.R.

Rulemaking Authority 316.302(5), 334.044(2), 338.239 FS. Law Implemented 316.301, 338.239 FS. History—New _____.

14-61.0022 Lead Trailer Requirements.

Prior to approval, both the trailer manufacturer and the Permittee shall certify to the Turnpike Enterprise on Form 800-040-02, Certification of Tandem Trailer Equipment (First or Lead Trailers) that the vehicle proposed to be furnished will be adequate to meet all requirements of a first semi-trailer. Semi-trailers operated with this certification must comply with all requirements listed on that form.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 338.239 FS. History—New _____.

14-61.0023 Converter Dolly Requirements.

(1) A converter (fifth-wheel) dolly used in the Turnpike Tandem operations may have either a single or a double axle, according to its total gross weight. In addition to the tow bar(s), the dolly vehicle must be equipped with safety chains or cables for connecting the dolly to the lead semi-trailer and adequate to prevent breakaway.

(2) When the distance between the rear of the first semi-trailer and the front of the second semi-trailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will advise other motorists that the trailers are connected and are in effect one unit.

(3) The Permittee shall certify to the Turnpike Enterprise on Form 800-040-06, Certification of Turnpike Tandem Equipment (Dolly Converters), that the equipment proposed complies with all the requirements listed on that form.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 338.239 FS. History—New _____.

14-61.0024 Lamps, Etc.

(1) Lamps and Reflectors. Each tractor, trailer, and converter dolly in a Turnpike Tandem shall be equipped with electrical lamps and reflectors mounted on the vehicle in accordance with Chapter 316, F.S., and Sub-part B "Lighting Devices, Reflectors, and Electrical Equipment," 49 C.F.R. Sections 393.9 through 393.33, as required by Section 316.302(1), F.S.

(2) Mud Flaps, splash, and spray suppressant devices. Each Turnpike Tandem shall be equipped with mud flaps and splash and spray suppressant devices meeting the requirements of and mounted on the vehicle in accordance with Section 316.252, F.S.

Rulemaking Authority 316.252, 334.044(2), 338.239 FS. Law Implemented 316.252, 338.239 FS. History–New _____.

14-61.0025 Inspection by Driver.

After all of the component vehicles in a Turnpike Tandem are completely hooked up and prior to the departure of the unit from the assembly area, the driver or a mechanic shall inspect the tandem unit to ensure that each item is in proper operating condition. No Turnpike Tandem shall be driven unless the driver thereof shall have satisfied the requirements of 49 C.F.R. Sections 392.7 through 392.9, hereby incorporated by reference, as required by Section 316.302(1), F.S.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 338.239 FS. History–New _____.

14-61.0026 Coupling Devices/Hitch Connections.

(1) All coupling devices shall equal or exceed both the equipment requirements and the performance standards established in 49, C.F.R. Section 393.70, as required by Section 316.302(1), F.S.

(2) Vehicles in a Turnpike Tandem shall be designed, constructed, and connected as to ensure that shifting or swerving from side to side will not exceed two inches to each side of the path of the towing vehicle when it is moving in a straight line.

(3) All coupling devices/hitch connections shall be of a no-slack type which must be visible and operating. All drawbars, pickup plates, and fifth wheels must be rated to exceed the weight carried. Any kingpin must be rated to exceed the weight carried. Any kingpin must be solid and must be permanently fastened.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 338.239 FS. History–New _____.

14-61.0027 Staging.

(1) Turnpike Tandems shall be made and broken down only in designated Turnpike System staging areas. All movement across traffic while entering or leaving a staging area shall be made using extreme caution.

(2) Permittees shall assume all responsibility for their vehicles and equipment, as well as the contents thereof, while such vehicles and equipment are in a staging area.

(3) For the purposes of safety and meeting unforeseen local conditions, the Permittees’ use of staging areas is subject to Turnpike Enterprise regulations at the staging areas, including the prohibition of staging during certain hours; temporary suspension of staging; and limitation of the time that equipment may be parked in the staging area.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 338.239 FS. History–New _____.

14-61.0028 Speed Limits, Minimum Distances, Passing, and Operations under Hazardous Conditions.

(1) Speed Limits. When the speed of a Turnpike Tandem drops to 20 mph less than the posted maximum speed limit, the driver must use emergency flashers to notify the passing traffic that they are approaching a vehicle traveling substantially slower than the rest of the traffic.

(2) Minimum Distances. A minimum distance of 100 feet for each 10 mph of speed shall be maintained between a Turnpike Tandem trailer and another vehicle traveling in front of it in the same travel lane, unless weather or other roadway conditions do not permit such distance.

(3) Passing. A Turnpike Tandem may pass another vehicle traveling in the same direction only if the speed differential will allow the Turnpike Tandem to complete the maneuver and return to the normal driving lane within a distance of one mile and be performed within the posted speed limit. Turnpike Tandems must stay in the right lane, or those lanes designated for travel by posted signs, unless they are in the act of passing.

(4) Operations under Hazardous Conditions.

(a) Drivers of Turnpike Tandems shall exercise extreme caution when hazardous conditions exist, such as fog, smoke, dust, mist, or rain. Speed shall be reduced when such conditions exist.

(b) When hazardous weather conditions become dangerous, the driver or Permittee shall discontinue operations, and such operations shall not be resumed until the vehicle can be safely operated. The Turnpike Enterprise, Motor Carrier Compliance Office, Florida Highway Patrol, or their respective staffs may restrict or prohibit operations during periods when traffic, weather, or other safety conditions make such operations unsafe or inadvisable.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.55, 338.239 FS. History–New _____.

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-97.001	Purpose
14-97.002	Definitions
14-97.003	Access Management Classification System and Standards
14-97.004	Application of Access Management Classification System and Standards
14-97.005	Review and Modification of Classifications

PURPOSE AND EFFECT: Rule Chapter 14-97, F.A.C., is being substantially updated and amended, including revisions to the chapter title, titles of individual rules, revised definitions, and revised tables.

SUBJECT AREA TO BE ADDRESSED: This is a substantial update and amendment of Rule Chapter 14-97, F.A.C.

SPECIFIC AUTHORITY: 334.044(2), 335.182, 335.188 FS.

LAW IMPLEMENTED: 334.044(10)(a), 335.18-188 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <http://www.dot.state.fl.us/planning/systems/sm/accman/>

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."

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NO.:	RULE TITLE:
18-21.004	Management Policies, Standards, and Criteria

PURPOSE AND EFFECT: Develop the criteria to address fish cleaning stations that are acceptable in, on, or over state-owned submerged land in association with docking structures, fishing piers, and bulkheads, whether physically attached to or placed on a structure, and the criteria to use in authorizing such structures. Considerations are expected to include water quality and resource impacts, forms of authorization, and limiting conditions, with special emphasis on adverse impacts associated with the disposal of fish carcasses and other wastes associated with fish cleaning stations, and how to improve public education on the disposal of fish wastes.

SUBJECT AREA TO BE ADDRESSED: Develop criteria to use in authorizing fish cleaning tables.

RULEMAKING AUTHORITY: 253.03(7), 253.73 FS.

LAW IMPLEMENTED: 253.001, 253.03, 253.141, 253.77 FS.

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

DATE AND TIME: May 15, 2009, 10:00 a.m. (ET)

PLACE: Department of Environmental Protection, Bob Martinez Building, Room 176, Video Conference Room, 2600 Blair Stone Road, Tallahassee, FL

DATE AND TIME: May 15, 2009, 9:00 a.m. (CT)

PLACE: Department of Environmental Protection, Room 501-A, Video Conference Room, 160 Governmental Center, Pensacola, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400; telephone (850)245-8486 or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this rule development also may be obtained from the Department's Web Site at: www.dep.state.fl.us/water/rules_dr.htm#erp. (OGC No. 08-2795)

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-2.011	Policy and Purpose
40B-2.021	Definitions
40B-2.025	Processing of Water Use Permit Applications
40B-2.041	Permits Required
40B-2.051	Exemptions
40B-2.101	Content of Application
40B-2.201	Permit Fees
40B-2.301	Conditions for Issuance of Permits
40B-2.311	Competing Applications
40B-2.321	Duration of Permits
40B-2.331	Modification of Permits
40B-2.341	Revocation of Permits
40B-2.351	Transfer of Permits
40B-2.361	Renewal of Permits
40B-2.381	Limiting Conditions
40B-2.441	Temporary Water Use Permits
40B-2.451	Emergency Authorization for Withdrawal or Diversion
40B-2.501	Classification of Permits
40B-2.751	Investigation, Enforcement, and Penalties
40B-2.781	Enforcement
40B-2.901	Forms and Instructions

PURPOSE AND EFFECT: The purpose of the rule development is to update these sections of Chapter 40B-2, Florida Administrative Code, to modernize the existing rule language and incorporate a Water Use Permitting Guide by reference. In addition, Rule 40B-2.041, F.A.C., is amending the Minor Permit by Rule that regulates qualifying landscape irrigation uses in Rule 40B-2.041, F.A.C. The effect of the rule development will be to provide for a more efficient water use program by bringing the rule up to date. The effect will also set forth conservation measures for qualifying landscape irrigation uses and develop consistency with St. Johns and Southwest Florida water management districts.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will modernize the existing rule language and incorporate a Water Use Permitting Guide by reference to provide for a more efficient water use program and provide for better conservation measures and consistency with St. Johns River and Southwest Florida water management districts.

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.083, 373.113, 373.116, 373.118, 373.119, 373.129, 373.136, 373.171, 373.219(2) FS.

LAW IMPLEMENTED: 120.60, 373.016, 373.019, 373.023, 373.042, 373.044, 373.0421, 373.083, 373.103, 373.109, 373.116, 373.117, 373.1175, 373.118, 373.129, 373.136, 373.216, 373.219, 373.223, 373.226, 373.227, 373.229, 373.232, 373.233, 373.236, 373.239, 373.243, 373.244, 373.246, 373.250 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, FL 32060; (386)362-1001 or (800)226-1066 (FL only)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.0021
RULE TITLE: Certification and Registration of Business Organizations

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language and to add new language to clarify the procedures for the certification and registration of business organizations.

SUBJECT AREA TO BE ADDRESSED: Certification and registration of business organizations.

RULEMAKING AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 455.213, 489.105, 489.107, 489.115, 489.119, 489.1195, 489.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-5257

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-5.0031	Continuing Education Credit for Biennial Renewal
61G17-5.0043	Obligations of Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to elaborate on appropriate continuing education credit.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credit for Biennial Renewal; Obligations of Continuing Education Providers.

SPECIFIC AUTHORITY: 455.2124(2), 455.2178, 455.219, 472.008, 472.011, 472.018 FS.

LAW IMPLEMENTED: 455.2123, 455.2124(2), 455.2179, 472.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-8.0011
RULE TITLE: Fees
PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the examination fee.
SUBJECT AREA TO BE ADDRESSED: Fees.
RULEMAKING AUTHORITY: 455.213(2), 455.217(2), 472.011, 472.013(2)(a) FS.
LAW IMPLEMENTED: 455.217(2), 472.011, 472.013(2)(a), 472.019(2), 472.023 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

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.:	RULE TITLES:
62-285.300	Electric Utility Greenhouse Gas Reduction Program – General Provisions
62-285.301	Electric Utility Greenhouse Gas Reduction Program – Allowance Allocations
62-285.302	Electric Utility Greenhouse Gas Reduction Program – Allowance Tracking
62-285.303	Electric Utility Greenhouse Gas Reduction Program – Monitoring and Reporting
62-285.304	Electric Utility Greenhouse Gas Reduction Program – Emissions Offset Projects

PURPOSE AND EFFECT: On July 27, 2007, the department published a notice of rule development for proposed new Rule 62-285.300, F.A.C., to cap greenhouse gas emissions from the electric utility sector. By this notice, the department is

proposing to rename Rule 62-285.300, F.A.C., from "Electric Utility Greenhouse Gas Reduction Program" to "Electric Utility Greenhouse Gas Reduction Program – General Provisions." The purpose and effect of Rule 62-285.300, F.A.C., will still include the establishment of statewide emission caps from the electric utility sector, but will be expanded to include general provisions related to establishment and operation of a cap and trade program to accomplish the greenhouse gas emission reductions. The department is also proposing to develop four additional new rule sections to implement details of the proposed cap and trade program. These details include procedures for allocating greenhouse gas emission allowances to allowance tracking accounts of different types; establishing allowance tracking accounts and tracking allocations, deductions, and transfers to and from such accounts; monitoring and reporting of greenhouse gas emissions; and creating and using greenhouse gas emissions offsets.

SUBJECT AREA TO BE ADDRESSED: Greenhouse gas reductions from the electric utility sector.
SPECIFIC AUTHORITY: 403.44 FS.
LAW IMPLEMENTED: 403.061, 403.087, 403.44 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: May 19, 2009, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce, (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Lynn Scarce, (850)921-9551

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.600
RULE TITLE: Tampa Bay Basin TMDLs
PURPOSE AND EFFECT: The Department is initiating rulemaking to establish Total Maximum Daily Loads (TMDLs) for the waterbodies in the Tampa Bay Basin. Pursuant to Section 403.067(6), F.S., TMDLs must be adopted by the Secretary of the Department by rule. Chapter 62-304, F.A.C., was established as the rule chapter within which rules adopting TMDLs shall reside. The verified list for the Group 1 Tampa

Bay basin was adopted by Secretarial Order on June 3, 2008. The Department will accept written comments on the draft TMDLs through June 1, 2009. The draft TMDL reports are available on the Department's TMDL website (<http://www.dep.state.fl.us/water/tmdl>). Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Assessment Section, Florida Department of Environmental Protection, M.S. 3555, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, or via email at jan.mandrup-poulsen@dep.state.fl.us. This rule has been given the following OGC case number: 09-0718.

SUBJECT AREA TO BE ADDRESSED: TMDLs and their allocations will be established for the pollutants identified as causing the impairment for the impaired waters in the Tampa Bay basin (as indicated in the Order adopting the verified list for the basin and by the direction of the Florida Legislature).

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.067 FS.

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

DATE AND TIME: Wednesday, May 20, 2009, 9:30 a.m.

PLACE: Southwest Florida Water Management District, Board Room, 7601 U.S. Hwy 301, Tampa, FL 33637-6759

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.005 **RULE TITLE:** Unprofessional Conduct

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address unprofessional conduct with regard to nurses.

SUBJECT AREA TO BE ADDRESSED: Unprofessional Conduct.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.018 FS.

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

DATE AND TIME: June 3, 2009, immediately following the CNA Council meeting

PLACE: Crowne Plaza Tampa East, 10221 Princess Palm Avenue, Tampa, Florida 33610

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Garcia, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252 **THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-16.005 **RULE TITLE:** Content of Residency Program – Reports

PURPOSE AND EFFECT: The purpose of this rule development is to adopt the Podiatric Resident Hospital Report form by reference.

SUBJECT AREA TO BE ADDRESSED: Forms.

RULEMAKING AUTHORITY: 461.005, 461.014(4) FS.

LAW IMPLEMENTED: 456.072(1)(j), (k), (l), 461.013(1)(g), (h), (i), 461.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-16.005 Content of Residency Program – Reports.

On July 1 of each year, each Residency Program Director shall provide the Board with information regarding each podiatric resident using the Podiatric Resident Hospital Report form DH-MQA 1140 (revised 12/08), hereby adopted and incorporated by reference, that can be obtained from the Board of Podiatric Medicine's website at <http://www.doh.state.fl.us/mqa/podiatry/index.html>. ~~the following information to the Board:~~

~~(1) The name and current mailing address of each podiatric resident;~~

~~(2) The name and current mailing address of each podiatric resident who has successfully completed the program subsequent to the last preceding report, designating the date of completion;~~

~~(3) The name and current mailing address of each podiatric resident who has withdrawn from the program subsequent to the last preceding report, designating each person's status with respect to rights and qualifications for readmission to the program;~~

~~(4) A copy of the hospital's most recent residency program evaluation by the Council on Podiatry Education of the American Podiatric Medical Association;~~

~~(5) The name of the supervising podiatric physician.~~

Rulemaking Specific Authority 461.005, 461.014(4) FS. Law Implemented 456.072(1)(j), (k), (l), 461.013(1)(g), (h), (i), 461.014 FS., Chapter 2005-98, Laws of Florida. History—New 11-24-80, Formerly 21T-16.05, 21T-16.005, 61F12-16.005, Amended 1-4-96, Formerly 59Z-16.005, Amended 12-2-03, 11-27-05, _____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.023
 RULE TITLE: Restricted Prescription Drug Distributor Permits; Special Provisions

PURPOSE AND EFFECT: The Department proposes to review this Chapter for the purpose of making revisions. Such revisions may include, but not be limited to distribution and licensure requirements for Restricted Prescription Drug Distributors, as well as distribution records and record keeping requirements for prescription drugs distributed to and by Restricted Prescription Drug Distributors.

SUBJECT AREA TO BE ADDRESSED: Licensure and distribution requirements as well as distribution records related to Restricted Prescription Drug Distributors.

RULEMAKING AUTHORITY: 499.014, 499.05 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.0121, 499.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-156.001	Purpose
69O-156.002	Scope
69O-156.003	Definitions
69O-156.004	Policy Definitions and Terms
69O-156.005	Policy Provisions
69O-156.006	Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to January 1, 1992
69O-156.007	Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992
69O-156.008	Standard Medicare Supplement Benefit Plans
69O-156.009	Open Enrollment
69O-156.0095	Guaranteed Issue for Eligible Persons
69O-156.010	Standards for Claims Payment
69O-156.011	Loss Ratio Standards and Refund or Credit of Premium
69O-156.012	Filing and Approval of Policies and Certificates and Premium Rates
69O-156.013	Permitted Compensation Arrangements
69O-156.014	Required Disclosure Provisions
69O-156.015	Requirements for Application Forms and Replacement Coverage
69O-156.016	Standards for Marketing
69O-156.017	Appropriateness of Recommended Purchase and Excessive Insurance
69O-156.018	Reporting of Multiple Policies
69O-156.019	Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates
69O-156.030	Medicare Select
69O-156.050	Separability
69O-156.101	Purpose
69O-156.102	Applicability
69O-156.103	Definitions
69O-156.104	Method of Disclosure of Required Information
69O-156.105	Unfair or Deceptive Acts or Practices Defined
69O-156.106	Certification Form Required
69O-156.107	Form and Content of Advertisements
69O-156.108	Advertisements of Benefits Payable, Losses Covered or Premiums Payable

- 69O-156.109 Necessity for Disclosing Policy Provisions Relating to Renewability, Cancellability, and Termination
- 69O-156.110 Testimonials or Endorsements by Third Parties
- 69O-156.111 Use of Statistics
- 69O-156.112 Identification of Plan or Number of Policies
- 69O-156.113 Disparaging Comparisons and Statements
- 69O-156.114 Jurisdictional Licensing and Status of Insurer
- 69O-156.115 Identity of Insurer
- 69O-156.116 Group or Quasi-Group Implications
- 69O-156.117 Introductory, Initial, or Special Offers
- 69O-156.118 Statements About an Insurer
- 69O-156.119 Application in Advertisement
- 69O-156.120 Enforcement Procedures
- 69O-156.121 Filing for Review
- 69O-156.122 Severability
- 69O-156.123 Prior Rules

PURPOSE AND EFFECT: To update this rule part, to allow for a new product generation by adopting revisions to the NAIC Model Regulation.

SUBJECT AREA TO BE ADDRESSED: Medicare Supplement Insurance.

RULEMAKING AUTHORITY: 624.308(1) 627.674(2) FS.

LAW IMPLEMENTED: 627.671-.675 FS.

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

DATE AND TIME: May 18, 2009, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerry Smith, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

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 MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-9.300 RULE TITLE: Child Care Resource and Referral
 PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to establish the requirements related to Child Care Resource and Referral (CCR&R).

SUMMARY: The proposed rulemaking addresses the statewide administration of CCR&R and establishes requirements related to availability of resources, maintenance of information, and issuance of referrals.

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

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

RULEMAKING AUTHORITY: 411.0101 FS.

LAW IMPLEMENTED: 411.0101 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 22, 2009, 1:30 p.m. – 2:30 p.m. or until business concludes

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Tallahassee, Florida 32399-4128 and by phone at 1(888)808-6959, Conference Code 921-3193

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristin R. Harden, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128; (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

- 60BB-9.300 Child Care Resource and Referral.
- (1) Child Care Resource and Referral (CCR&R) Services.