

PURPOSE AND EFFECT: The Department determined that it needs to reduce fees and to update the rules.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal Fee; Application Fees; Change of Status Fee; and Initial Licensure Fee.

RULEMAKING AUTHORITY: 456.013, 490.007(1), 490.015, 490.015(2) FS.

LAW IMPLEMENTED: 456.013, 456.036, 456.036(4), 490.005, 490.006 490.007(1) 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: Allen Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-30.002	Style and Form for Filing Rules; Certification Accompanying Materials
1B-30.005	Materials Incorporated by Reference

PURPOSE AND EFFECT: Subsections 1B-30.002(1) and 1B-30.002(3), F.A.C., are amended to clarify the process for submitting a rule certification packet for adoption. Subsections 1B-30.002(7) and 1B-30.002(8), F.A.C., are amended to clarify the process for submitting an emergency rule that constitutes a new rule or is superseding or changing the effect of an existing rule. Subsection 1B-30.005(5), F.A.C., is amended and subsections 1B-30.005(6) and 1B-30.005(7), F.A.C., are created to comply further with legislative changes to Chapter 120, Florida Statutes, triggered by the Open Government Act (particularly ss. 1-9 of Chapter 2008-104, Laws of Florida). Agencies will now be required to submit electronically all materials incorporated by reference into rule, except under certain circumstances.

SUMMARY: Revisions to rule adoption procedures including new electronic submission requirements for materials incorporated by reference in administrative rules.

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: 20.10(3), 120.54(1)(i)6, 120.54(1)(j), 120.55(1)(d) FS.

LAW IMPLEMENTED: 120.54(1)-(4), (6), 120.55, 403.8055 FS.

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

DATE AND TIME: November 8, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: Florida Heritage Hall, Florida Department of State, R.A. Gray Building, 500 South Bronough 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 3 days before the workshop/meeting by contacting: General Counsel, Florida Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: General Counsel, Florida Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULES IS:

1B-30.002 Style and Form for Filing Rules; Certification Accompanying Materials.

(1) An agency shall file a complete rule certification packet when filing a rule for adoption with the Administrative Code and Weekly Section.

(a) A complete rule certification packet for all rules, except emergency rules shall consist of the following:

1. through 2. No change.

3. If materials incorporated are filed electronically in accordance with Rule 1B-30.005, F.A.C., the submitting agency shall provide a copy of the email approval confirmation with the certification form required by this rule. If the agency determines that filing incorporated materials electronically would violate federal copyright laws, then the agency shall file ~~One original certified copy of the materials incorporated by reference in accordance with, if applicable. Material incorporated by reference shall be certified pursuant to the requirements of Rule 1B-30.005, F.A.C.~~

4. No change.

(b) For emergency rules, a complete rule certification packet filed with the Administrative Code and Weekly Section shall consist of the following:

1. through 2. No change.

3. If materials incorporated are filed electronically in accordance with Rule 1B-30.005, F.A.C., the submitting agency shall provide a copy of the email approval confirmation with the certification form required by this rule. If the agency determines that filing incorporated materials electronically will violate federal copyright laws, then the agency shall file one original certified copy of the materials incorporated by reference in accordance with, if applicable. Material incorporated by reference shall be certified pursuant to the requirements of Rule 1B-30.005, F.A.C.

4. through (2) No change.

(3) An agency adopting a rule shall file the original and two copies of the rule certification form as specified in paragraphs (3)(a) through (e) of this rule. More than one rule may be listed on a rule certification form so long as the rules are from the same rule chapter, and so long as the adoption packet includes the rules as they were noticed in the Florida Administrative Weekly. A separate rule certification form shall be filed for each rule chapter affected.

(a) through (e) No change.

(4) An agency adopting a new rule pursuant to Section 120.54(3)(e), F.S., shall file the original and two coded copies of the new rule with the Administrative Code and Weekly Section. The text of the new rule shall be coded by underlining the rule number, rule title, rule text, legal citations and history notes. Each page shall be numbered.

(5) No change.

(6) An agency repealing an existing rule pursuant to Section 120.54(3)(e), F.S., shall file the original and two copies of the existing rule with the Administrative Code and Weekly Section. Rules that repeal existing rules shall contain the words, "The following rules are hereby repealed:" followed by the rule number and title of the rule or rules being repealed and the complete text of each repealed rule with a diagonal line drawn through the entire text of the rule. The text of repealed rules shall be provided by making a copy of the rule text as it appears in the Florida Administrative Code. Each page shall be numbered.

(7) An agency adopting an emergency rule pursuant to Section 120.54(4), F.S., shall file the original and two coded copies of the emergency rule with the Administrative Code and Weekly Section. Each page shall be numbered. The text of the emergency rule shall be coded as follows:

(a) When aAn emergency rule's requirements createing a new rule, the emergency rule shall be coded as described in subsection (4) of this rule.

(b) When aAn emergency rule for the period in effect changes the requirements or text of amending an existing rule, it shall be coded in the same manner as an existing rule is coded pursuant to as described in subparagraph 1B-30.003(3)(c)2., F.A.C. The emergency rule shall cross-reference the existing rule number. If the change to the

existing rule is substantial, it shall be coded in the same manner If the amendment substantially rewords the existing rule, coding shall be as described in subparagraph 1B-30.003(3)(c)(b)3., F.A.C.

(c) When aAn emergency rule for the period in effect supersedes or suspends in its entirety the effect or text of that repeals an existing rule, it shall be coded in the same manner as a repeal of an existing rule pursuant to subparagraph 1B-30.003(3)(c)4., F.A.C., and as described in subsection (6) of this rule. The emergency rule shall cross-reference the existing rule number.

(8)(a) If the effective date of a rule is later than 20 days after being filed, the effective date shall be stated in the rule text immediately following the final text, ~~as set forth in subsection 1B-30.001(3), F.A.C.~~ The effective date shall be preceded by the words, "PROPOSED EFFECTIVE DATE:". The effective date shall also be provided on the rule certification form if the effective date of the rule is later than 20 days after being filed. The effective date of the rule will not be published in the Florida Administrative Code as part of the rule text, but will appear in the history note.

(b) If the effective date of an emergency rule is other than immediately upon filing, the effective date of the emergency rule shall be stated in the rule text immediately following the text, ~~as set forth in subsection 1B-30.001(2), F.A.C.~~ The effective date shall be preceded by the words, "PROPOSED EFFECTIVE DATE:". The effective date shall also be provided on the rule certification form if the effective date of the emergency rule is other than immediately upon filing.

(9) through (10) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2011.

Rulemaking Authority 20.10(3), 120.54(1)(i)6, 120.54(1)(j), 120.55(1)(d) FS. Law Implemented 120.54(1)-(4), (6), 120.54(3)(e)4., (6); 120.55(1)(e), 403.8055 FS. History—New 5-29-80, Formerly 1-1.02, Amended 12-30-81, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 10-1-96, 9-13-98, 8-23-99, 6-20-02, Formerly 1S-1.002, Amended 3-8-09, 1-1-11.

1B-30.005 Materials Incorporated by Reference.

(1) through (4) No change.

(5)(a) Unless prohibited by federal copyright law as determined by the submitting agency, the submitting agency shall electronically file a complete and correct copy of all materials incorporated by reference in its rules through the Department of State's e-rulemaking website at [www.flrules.org](http://www.flrules.org), no later than three (3) business days prior to the deadline for rule adoption. Electronically filed materials may not exceed 10MB per submission. An agency may file material in parts to comply with the 10MB file size requirement, if the volume of material requires such partial submissions. Referenced materials may be submitted in any format. At the time the agency submitting its rule certification package for adoption in accordance with Rule 1B-30.002, F.A.C., the agency shall also provide a paper copy of the

Certification of Materials Incorporated by Reference form, as provided in this rule, stating that the materials incorporated were filed electronically, but shall not provide a paper copy of the materials incorporated. The agency incorporating material by reference shall file with the Administrative Code and Weekly Section a correct and complete copy of the referenced material with an attached certification form which shall describe the referenced material and specify the rule to which the referenced material relates. Materials incorporated by reference may be filed in any printed format and are not required to be published in the Florida Administrative Weekly or Florida Administrative Code. The following form shall be used for certification of material incorporated by reference:

(b) The submitting agency is responsible for ensuring that all incorporated materials filed electronically comply with Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. s. 794d., Federal Electronic and Information Technology Accessibility and Compliance Act).

(c) A submitting agency that determines that the posting of incorporated material on the Internet for public viewing would constitute a violation of federal copyright law, shall indicate this using the form for the certification of materials incorporated by reference, provided in this rule, at the time of submitting its rule certification package for adoption. The adopting agency shall also provide the addresses or locations and the manner in which a person may obtain from the agency a copy of the electronically filed materials incorporated by reference in the rule. Incorporated materials that are not filed electronically shall be submitted with the paper certification form as part of the rule certification package for adoption.

(d) The following form shall be used for certification of materials incorporated by reference:

**CERTIFICATION OF MATERIALS INCORPORATED BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE**

I hereby certify pursuant to Rule 1B-30.005, Florida Administrative Code:

[ ] (1) That materials incorporated by reference in Rule \_\_\_\_\_ have been electronically filed with the Department of State.

[ ] (2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

Pursuant to Rule 1B 30.005, Florida Administrative Code, I hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule \_\_\_\_\_. Under the provisions of Section 120.54(3)(e)6.,

F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

~~(List form number(s) and form title(s), or title of document(s) (Specify electronic or print format))~~

\_\_\_\_\_  
Signature, Person Authorized to Certify Rules

\_\_\_\_\_  
Title

(6) When incorporated materials are filed electronically through the Department of State's e-rulemaking Internet website, the Department shall make the full text of incorporated materials available free for public access through an electronic hyperlink from the rule that references the material, directly to the material incorporated. Hyperlinks from rules in the Florida Administrative Code to any material other than incorporated materials are prohibited.

(7) Although incorporated materials will be made available electronically on the Department of State's e-rulemaking Internet website, incorporated materials shall not be published in the Florida Administrative Code or Administrative Weekly.

PROPOSED EFFECTIVE DATE JANUARY 1, 2011.

Rulemaking Authority 20.10(3), 120.54(1)(j)6., 120.54(1)(i)6., 120.55(1)(d) FS. Law Implemented 120.54(1)(i), 120.55 FS. History--New 5-29-80, Formerly 1-1.04, Amended 9-13-98, Formerly 1S-1.005, Amended 3-8-09, 1-1-11.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Liz Cloud, Program Administrator, Administrative Code and Weekly Section, Division of Library and Information Services, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-2100, (850)245-6600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dawn K. Roberts, Interim Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2010

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2010

**DEPARTMENT OF COMMUNITY AFFAIRS  
Division of Housing and Community Development**

RULE NO.: 9B-62.003  
RULE TITLE: Building Permit Surcharge Collection and Remittance

PURPOSE AND EFFECT: To review the provisions of the rule regarding means of calculating the surcharge transmitted to the Operating Trust Fund and account for the electronic remittance of the surcharge.

**SUMMARY:** Increases the portion of building permit surcharge fees to be retained by local governments, adopts by reference surcharge submittal forms, and establishes the dates building departments are required to submit fees to the Department.

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

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

**RULEMAKING AUTHORITY:** 553.721 FS.

**LAW IMPLEMENTED:** 553.721 FS.

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

**DATE AND TIME:** November 8, 2010, 10:00 a.m.

**PLACE:** Department of Community Affairs, 2555 Shumard Oak Boulevard, Room 210L, Tallahassee, Florida 32399-2100  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; (850)487-1824

**THE FULL TEXT OF THE PROPOSED RULE IS:**

9B-62.003 Building Permit Surcharge Collection and Remittance.

(1) Remittance of the Operating Trust Fund Surcharge Fees. All municipalities and counties that collect fees for the operating trust fund pursuant to Section 553.721, F.S., shall remit and report those funds, less ~~10%~~ 5% to be retained by the collecting agency, to the Department of Community Affairs no later than 30 days after the calendar quarter. Reports shall be submitted using the Building Code Information System website located, as specifically related to surcharge collection, at [www.floridabuilding.org/sc/sc\\_default.aspx](http://www.floridabuilding.org/sc/sc_default.aspx).

(2) Form number DCA-SUR-001 ~~9B-62.003~~, Surcharge Detail, effective December 31, 2010 ~~July 1, 2009~~, a screen shot from the Building Code Information System, is adopted by

reference for use in conjunction with remittance of the surcharge. A paper copy of the screen shot is available by writing to the Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

Rulemaking Authority 553.721 FS. Law Implemented 553.721 FS. History--New 11-19-95, Amended 8-19-09,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; (850)487-1824

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Thomas G. Pelham

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 5, 2010

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** August 13, 2010

**DEPARTMENT OF TRANSPORTATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
14-51.010	Purpose
14-51.011	Definitions
14-51.012	Trailblazers
14-51.013	Sign Evaluation Process
14-51.014	General Criteria
14-51.020	Supplemental Guide Signs
14-51.021	General Service Signs
14-51.030	Destination Guide Signs
14-51.031	General Services Signs
14-51.040	Exclusions
14-51.041	Criteria for Unincorporated Areas
14-51.042	Sign Characteristics
14-51.043	Customized Place Name Signs
14-51.051	Standards
14-51.052	Design
14-51.053	Pedestrian Wayfinding Signs
14-51.054	Informational Guide Signs
14-51.061	Program Implementation
14-51.062	General Criteria
14-51.063	Location and Placement
14-51.064	Trailblazers
14-51.065	Design

**PURPOSE AND EFFECT:** Rule Chapter 14-51, F.A.C., is being amended to clarify sign eligibility criteria, incorporate federal changes, and restructure the chapter for better organization.

**SUMMARY:** The overall structure and clarity of the rule chapter is addressed.

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

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

RULEMAKING AUTHORITY: 316.0745, 334.044(2), 479.02(4), 479.262 FS.

LAW IMPLEMENTED: 316.03, 316.0745, 479.02(4), 479.262 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

#### PART I GENERAL

##### 14-51.010 Purpose.

(1) This rule ~~provides chapter will provide~~ for a system of ~~supplemental~~ guide signing that will perform the following functions:

(a) Inform and guide motorists to the needed signed facilities and motorist services.

(b) Improve traffic flow at interchanges or intersections near destinations that generate a large volume of traffic.

(c) Establish criteria for the erection of guide signs and general service signs.

(2) This rule ~~chapter~~ applies the requirements for guide signs, excluding principle destination signs, general service signs, community wayfinding guide signs, and tourist-oriented directional signs as stated in the applicable sections of the Manual on Uniform Traffic Control Devices, incorporated herein by reference under Rule 14-15.010, F.A.C.

Rulemaking Specific Authority 316.0745, 334.044(2), 479.02(4) FS. Law Implemented 316.0745, 479.02(4) FS. History--New 3-27-05, Amended 6-24-08, \_\_\_\_\_.

##### 14-51.011 Definitions.

As used in this rule ~~chapter~~, the following words and phrases shall have the following meanings:

(1) "Applicant" means the person or entity seeking authorization ~~permission~~ for a sign under this rule chapter.

(2) "Attraction" means an establishment, site, facility, or landmark that is open a minimum of 5 days a week for 52 weeks a year; which has as its principal focus family-oriented entertainment, cultural, educational, recreational, scientific, or historical activities; and which is publicly recognized as a bona fide tourist attraction.

(3) "Community Wayfinding Guide Sign" means a directional guide sign that is part of a coordinated and continuous system of signs directing tourists and other road users to key civic, cultural, visitor, and recreational attractions, within a city or a local urbanized area.

(4) "Community Wayfinding Guide Sign System Plan" means the system boundaries, installation location, sign panel design, engineering, sign assembly specifications, and adopted criteria submitted to the Department for approval.

(5)(2) "Department" means the Florida Department of Transportation.

(6)(3) "Enhancement Marker" means a sign or portion of a sign where shape, color, or pictograph is used as a visual an aesthetic identifier for a community wWayfinding guide sSign.

(7)(4) "FHWA" means the Federal Highway Administration.

(8)(5) "Guide Sign" means a sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information.

(9)(6) "Limited Access Facility" means as defined in Section 334.03(13), F.S.

(10)(7) "Local Government" means the county or city having jurisdiction in the subject area, including the area involving the sState hHighway sSystem.

(11)(8) "Manual on Uniform Traffic Control Devices (MUTCD)" means the is a federal publication, which is incorporated by reference under Rule 14-15.010, F.A.C., and is used to establish the uniformity of traffic control devices, such as sign placement, color of sign backgrounds and letters, and sign messages. The Department has adopted the use of this manual in order to provide a uniform system of traffic control devices on the State Highway System.

(12)(9) "Non-Limited Access Facility" means an arterial or collector road as these terms are defined in Section Sections 334.03(1) and (4), F.S., respectively, and which is not a limited access facility.

(13) "Non-traffic Control Sign" means an authorized highway sign that does not have any traffic control purpose, is not intended for use by road users in general, and is not considered to be a traffic control device, such as highway service signs and the associated sponsorship.

(14) "Official Traffic Control Devices" means as defined in Section 316.003, F.S.

(15) "Pari-mutuel Facility" means a racetrack, fronton, or other facility used by a permit holder of the Florida Department of Business and Professional Regulation for the conduct of pari-mutuel wagering as defined in Section 550.002, F.S. These facilities may include cardrooms only when authorized by Section 849.086, F.S.

(16) "Permit System" and "Permitted" means as defined in Rule 14-20.010, F.A.C.

~~(17)~~(10) "Pictograph" means the distinctive use of color(s), symbol(s), or copy as a brand identifier for community wWayfinding guide sSign system areas and attractions. They are non-commercial graphics as opposed to commercial logos.

~~(11)~~ "Official Traffic Control Devices" means as defined in Section 316.003(23), F.S.

~~(18)~~(12) "Place Name Sign" means a sign identifying the geographic boundary of a municipality city or county, lying on or along a road on the sState hHighway sSystem.

~~(19)~~ "Recreational Attractions" means facilities located within 15 miles of the limited access facility that provide easy access for motorists, ample all-weather parking areas, and several recreational activities such as picnicking, camping, hiking, swimming, fishing or boating. Examples include public recreational facilities, state forest recreation areas, and wildlife refuges.

~~(20)~~(13) "Rural Interchange" means a grade separated intersection between streets or roadways outside the limits of any urban or urbanized area, as ~~such areas are defined both in Section Sections 334.03(32) and (36), F.S.~~ Where either the immediate right of way of a limited access facility or the right of way of an intersecting roadway is within the boundary of an urban or urbanized area, the interchange or intersection shall be considered urban.

~~(21)~~(14) "Sign" means any traffic control device ~~that is intended to communicate specific information to road users through a word or symbol legend. They Signs do not include traffic control signals, pavement markings, delineators, or channelization devices.~~

~~(22)~~(15) "Supplemental Guide Sign" means a sign placed or erected to provide information regarding destinations, other than the principle destinations displayed on the exit directional sign, accessible from the an interchange, other than places shown on the standard interchange signing. The standard guide signs are called "exit direction" signs. These signs usually contain information about the route number, nearest cities, and sometimes the local street name. The purpose of a supplemental guide sign is to provide direction to destinations for motorists unfamiliar with the local area.

~~(23)~~(16) "Tourist Attraction" means facilities that principally provide recreation, amusement, or leisure activities to the general public, with the majority of its visitors ~~not residing in the immediate area of the attraction, and traveling over 100 miles to visit enjoy what the facility, and with offers. Tourist attractions are publicly or privately owned, but derive the major portion of their income from these non-resident visitors.~~

~~(24)~~(17) "Tourist-Oriented Directional Signs" or "TODS" means are guide sign assemblies with that display individual sign panels displaying the providing business identity of and directional information for a business, service, or and activity facilities.

~~(25)~~(18) "Trailblazers" means signs erected at strategic locations, ~~usually along major urban arterials in conjunction with the signing of a major destination, tourist attraction, or general service facility on a limited access facility.~~

~~(26)~~(19) "Unincorporated Area" means all lands outside of the boundaries of municipalities within a county boundary as defined in Section 153.53(1), F.S.

~~(20)~~ "Wayfinding Sign" means a directional guide sign that guides the traveling public to key civic, cultural, visitor, and recreational destinations within a specific region.

~~(21)~~ "Wayfinding Sign System Plan" means the location area, design, engineering, and sign plan submitted to the Department for approval.

Rulemaking Specific Authority 316.0745, 334.044(2), 479.02 FS. Law Implemented 316.03, 479.01 ~~316.0745~~ FS. History-New 3-27-05, Amended 5-8-06, 6-24-08, \_\_\_\_\_.

14-51.012 Trailblazers Trailblazing Signs.

(1) Trailblazers shall be used ~~The use of a distance "countdown" system on trailblazer signs for destinations which are five miles or more from the interchange or intersection and is highly recommended. The use of the distance "countdown" system for destinations five miles or less from the exit is to be considered when a motorist could drive through highly developed areas, or through a "Y" intersections intersection, or multiple strip developments to reach the destination.~~

(2) A The use of the "countdown" distance system to national and state park sites shall will be based upon specific site/area conditions, and installed by the park agency through the Department's permit system.

(3)(2) Local governments shall have all trailblazers in place on their road system prior to installing the corresponding destination sign on the state highway system. The purpose of trailblazer signs is to provide direction and confirmation to the motorist that the right decision has been made.

(4)(3) Trailblazers ~~These signs shall provide the distance and/or direction to the nearest or most convenient point of access.~~

(5) Trailblazers ~~These signs shall match the color scheme or symbol of its corresponding sign as found on the state highway system limited access facility.~~

Rulemaking Specific Authority 316.0745, 334.044(2) FS. Law Implemented 316.0745 FS. History-New 3-27-05, Amended \_\_\_\_\_.

14-51.013 Sign Evaluation Process.

(1) Sign requests must shall be evaluated according to the following criteria. Requests originate from state agencies, city or county resolution, official representatives of schools or universities, or and representatives of tourist attractions or businesses.

(2) Upon receiving a written request, the Department will determine whether:

(a) The written request concerns an eligible destination or motorist service.

(b) The trip generation meets or exceeds the minimum criteria.

(c) ~~Are~~ There are seasonal considerations.

(d) ~~or is there~~ Significant rapid growth is projected.?

(e) ~~(e)~~ The intersection or interchange approach may accommodate existing guide and supplemental guide signing contain adequate space for additional destination sign legend without exceeding the mandatory space limitations for either existing sign panels, or an additional sign structure. If a request for destination guide signing is received, but the intersection or interchange has the maximum number of destinations, then the request will be denied.

(f) ~~(d)~~ The addition of the sign will for the subject destination or service provides a benefit to the safety of the motoring public.

(3) ~~The~~ Written requests request shall provide data to support the trip generation of the proposed destination. It shall also provide data to support the function of the facility (e.g., tourist attraction, ~~shopping center~~) to determine which set of criteria from Table 1, Criteria for Signing Destinations on Limited Access Facilities, and Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities, will apply. If additional support data is needed not supplied, the Department will require an engineering study to validate the ~~written~~ request.

(4) If the written request complies with these criteria, the District Traffic Operations Engineer shall review approve the sign location for installation subject to space availability.

(5) Supplemental guide sign destinations are subject to a four year review cycle to verify that the trip generation characteristics are consistent with Department signing criteria. The review will confirm that mid-way through the life of the sign panel (approximately seven to eight years) an opportunity will exist to make sign changes. The Department will not replace a signed destination with a new destination, regardless of annual trips, as long as the signed destination remains in operation. If a request for supplemental guide signing is received, but the interchange has the maximum number of destinations, then the request shall be denied. So long as the signed destination is in business, the Department will not replace it with a new destination, even if it has a higher number of annual trips.

(6) ~~Occasionally, simultaneous applications for guide signing are received. Recalling that the intent of guide signing is to provide guidance for motorists who are not familiar with the route or area, The following shall be considered when developing a guide sign system:~~

(a) Highest preference will be given to destinations that ~~would~~ attract a larger number of trips from distances greater than 100 miles.

(b) The likelihood that the destination will continue to generate a high number of trips or if there ~~is are~~ seasonal characteristics.

(c) Local government recommendations.

(d) ~~The development of a regional signing plan, with the cooperation of local government and the tourism industry with the development of a regional signing plan organizations.~~

(e) When concurrence can be reached by all affected parties, changes to the Department's supplemental guide sign system may be approved through the permit system.

(7) ~~Supplemental guide sign destinations are subject to a four year review cycle to verify that the trip generation characteristics are consistent with Department signing goals. This review will confirm that at least mid-way through the life of the sign panel (approximately seven to eight years) an opportunity will exist to make sign changes.~~

(7)(8) ~~Table 2 4, Criteria for Signing Destinations on Limited Access Facilities, and Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities, are mandatory criteria for guide signs installed under this rule chapter. The criteria will assist the District Traffic Operations Engineer in when determining which destination will be signed for on both limited and non-limited access facilities.~~

(8) Destinations signed prior to the implementation of this rule chapter shall not be subject to the requirements of this rule chapter.

(9) Signs may be approved by the Department for installation for research and evaluation purposes only. If the Department evaluation of the temporary installation is that to allow same on a permanent basis would be appropriate then the rule will be revised accordingly.

Type of Destination	Criteria	Guidelines		
		Major Metro Areas <sup>1</sup>	Urban Areas <sup>2</sup>	Rural Areas <sup>3</sup>
State and National Parks, and State Forest Recreational Areas	Miles from Interchange	15	15	15
Private Colleges and Universities	Number of Trips Generated Annually <sup>e</sup>	900,000 <sup>a</sup>	550,000 <sup>a</sup>	300,000 <sup>a</sup>
		1,200,000 <sup>b</sup>	750,000 <sup>b</sup>	450,000 <sup>b</sup>
	Miles from Interchange	15	15	15
Military Bases	Number of Trips Generated Annually <sup>e</sup>	5,000,000	4,000,000	3,000,000
	Miles from Interchange	10	10	10
Veteran's Administration (VA) Hospitals	Miles from Interchange	10	10	10
Arenas, Auditoriums, Amphitheaters, Civic Centers, Convention Halls, Stadiums, Major Tourist Attractions (Fairgrounds, Amusement Parks, Zoos, etc.)	Number of Trips Generated Annually <sup>d</sup>	200,000	165,000	135,000
	Miles from Interchange <sup>4</sup>	5	5	5

Historical, Cultural, or Recreational Attractions, Historic Districts	Number of Trips Generated Annually <sup>d</sup>	100,000	100,000	100,000
1. Over 50,000 population.				
2. 5,000 to 49,999 population.				
3. Under 5,000 population.				
4. The distance may be increased 1/2 mile for each 10 percent over the minimum requirement listed to a maximum of 2 times the maximum distance listed.				
a. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 1.5 (college or university without dormitories, each student equals 1.5 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
b. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 2.0 (college or university with dormitories, each student equals 2 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				



- c. ~~One employee or military personnel equals 0.9 trips. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.~~
- d. ~~Trip: a single or one direction vehicle movement either to or away from the traffic generator.~~

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New 3-27-05, Amended \_\_\_\_\_.

14-51.014 General Criteria.

(1) ~~Supplemental Guide signs for other than recreational, historical, or cultural facilities, shall be white on green in color. Guide sSigns for recreational, historical, or cultural facilities shall be white on brown in color. For If there is an existing white on green destination supplemental guide signs sign in place,~~ a combination sign consisting of white on green and white on brown shall be used with the colors separated by a common white border.

(2) Signing for a destination with a limited period of operation shall be displayed only during those periods of operation, and only if the destination generator meets the trips generated annually criteria referenced in Table 2 4, ~~Criteria for Signing Destinations on Limited Access Facilities, or Table 4; Criteria for Signing Destinations on Non Limited Access Facilities.~~ If occasional off-season usage exceeds 25 percent of the trips generated annually for most of the year, the signs may be displayed permanently.

~~Pari-mutuels exhibit distinct seasons and qualify based on the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.). The purpose of displaying these signs only during periods of operation is to aid the motorist who would not be aware of when the seasonally operated destination is open. This would prevent unnecessary trips to a closed facility.~~

(3) Traffic control signs Signing for major short term events, e.g., golf and tennis tournaments, boat and auto shows, that will attract a significant number of non-residents, shall be evaluated permitted based on the criteria established in the ~~Sign Evaluation Process (Rule 14-51.013, F.A.C.)~~.

(a) ~~Either~~ Static or portable cChangeable mMessage sSigns (PCMS) shall be erected no more than three days before, nor remain more than three days after, the signed event. Sign costs, such as design, installation, maintenance, and removal of the signing should be paid by the applicant.

(b) Both sStatic and PCMS signing will be installed through the Department's permit system process. PCMS devices, and approved messages displayed on them shall only be used for traffic control, devoid of advertisements. PCMS devices shall be approved certified by the Department for use on the sState hHighway sSystem, and only used during the time of the event with a generic message.

(c) All applicable Department clear recovery zone requirements shall be met and short-term event signing cannot interfere with visibility/effectiveness of existing traffic control devices.

~~The purpose of allowing signs for special events is to facilitate the management of traffic for the event. Also, a facility may hold multiple events during the year, and motorists will be looking for information with the special event's name.~~

(4) In no case shall information relating to destinations, motorist services, and multi-modal facilities be displayed on a supplemental guide sign until trailblazer directional guide signing has been installed. ~~This is important in order to eliminate confusion to motorists. Trailblazer signs not only provide direction to the motorist, but confirmation that they have taken the correct turn to go to the selected destination.~~

(5) When there are more qualified destinations than can be signed, the local government recommendation as to the facilities to be signed will be considered. If the local government has no preference, the destinations that create the greatest traffic demand shall be signed, subject to standards specified in the following sections.

(6) No supplemental guide signs for destinations shall be erected prior to approval by the District Traffic Operations Engineer.

(7) Supplemental Guide signs shall not be installed where such signing interferes with the function of traffic control devices impairs, and shall not impair visibility, or violates violate minimum spacing distances listed in Table 1 2, Minimum Spacing Distances for Signs. In order to prevent subjecting motorists to too much information, there is a need to establish a priority in sign installation. This Ppriority guidelines in sign installation are is contained in Section 2A.16 of the MUTCD. The descending order of priority for sign installation is regulatory (white signs), warning (yellow signs), exit (principle) direction and supplemental destination (green signs), general service (blue signs), and historical, recreational, and cultural (brown signs).

Speed (mph)	Minimum Spacing Distance (feet)
25 or less	Engineering Judgment
30 – 35	200
35 – 45	250
50 – 60	300
60 – 70 (Interstate)	800

(8) Any qualifying destination, such as colleges or universities, that incorporates a pictograph in the sign design, as allowed in the MUTCD, must fabricate, install, and maintain the sign assembly through the Department's permit system.

(9)(8) The proposed design, location, materials, and support structure must fully comply with current Department's Design Standards Indices Numbered 11200, 11310, 11860 and

17302, and Sections 700 and 994, “Retroreflective and Non-reflective Sign Sheeting,” from the Standard Specifications for Road and Bridge Construction, current 2004 edition. These documents, incorporated herein by reference, can be downloaded at the following locations: <http://www.dot.state.fl.us/rddesign/DesignStandards/Standards.shtml>; <http://www.dot.state.fl.us/specificationsoffice/>; <http://www.dot.state.fl.us/rddesign/rd/RTDS/08/11200.pdf>; <http://www.dot.state.fl.us/rddesign/rd/RTDS/08/11860.pdf>; <http://www.dot.state.fl.us/rddesign/rd/RTDS/04/17302.pdf>; <http://www.dot.state.fl.us/specificationsoffice/2007BK/994.pdf>; <http://www.dot.state.fl.us/specificationsoffice/2007BK/JanWorkBook2008/SS9940304.pdf>;

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New 3-27-05, Amended 6-24-08,\_\_\_\_\_.

**PART II GUIDE SIGNS ON LIMITED ACCESS FACILITIES**

14-51.020 Supplemental Guide Signs.

(1) General.

(a) ~~Florida Farm Wineries qualify for signing as defined by Section 599.004, F.S. Signs shall be installed based on space availability.~~

(b) ~~Signing for regional malls or shopping centers (1,000,000 square feet or more) will be approved when safety or operational problems can be attributed to unclear directions and when the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.) is met. The safety and operational problems shall be documented and affect both site destined and other traffic.~~

(c) ~~State funded community college, vocational/technical center, or university main campus are eligible for signing. Satellite campuses are eligible, if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher without attending the main campus.~~

~~(d) Private colleges and universities that meet the trip generation referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities, are eligible for signing. Private universities with existing signs will be allowed to retain their signs, so long as they remain active, because they were signed for before these criteria were developed.~~

~~(e) Schools which are licensed by the Department of Education’s Commission for Independent Education are not eligible for signing, unless they meet trip generation criteria referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities.~~

~~(f) Signing for multi-modal transportation facilities is considered supplemental guide signing, except for those which qualify as a general service. Multi-modal facilities are airports (air carrier and general aviation), seaports (passenger and cargo), rail terminals, intercity bus, parking lots, garages, and Park and Ride. A signing plan for multi-modal facilities must be submitted.~~

~~(g) Veterans’ Hospitals which are designated as the regional treatment center for veterans are eligible for signing on limited access facilities.~~

~~(h) Medical facilities which have regional, statewide, or national significance, that provide, by advance appointment, specialized surgery or treatment of human diseases are eligible for signing on limited access facilities. The installation of these signs is beneficial to the motorists unfamiliar with the area who have been referred to these facilities, and who must travel distances greater than 100 miles to receive treatment.~~

~~(i) The criteria referenced for destinations listed in Table 2 1, Criteria for Signing Destinations on Limited Access Facilitie are used to determine which supplemental destinations destination will be signed for on limited access facilities. A more detailed explanation is shown in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).~~

**Table 2 – Criteria for Signing Destinations on Limited Access Facilities**

Type of Destination	Criteria	Guidelines		
		Major Metro Areas <sup>1</sup>	Urban Areas <sup>2</sup>	Rural Areas <sup>3</sup>
State and National Parks, and State Forest Recreational Areas	Miles from Interchange	15	15	15
Private Colleges and Universities	Number of Trips Generated Annually <sup>c</sup>	550,000 <sup>a</sup>	550,000 <sup>a</sup>	300,000 <sup>a</sup>
		1,200,000 <sup>b</sup>	750,000 <sup>b</sup>	450,000 <sup>b</sup>
	Miles from Interchange	15	15	15
Military Bases	Number of Trips Generated Annually <sup>c</sup>	5,000,000	4,000,000	3,000,000
	Miles from Interchange	10	10	10
Veteran’s Administration (VA) Hospitals	Miles from Interchange	10	10	10

<u>Arenas, Auditoriums, Amphitheaters, Civic Centers, Convention Halls, Stadiums, Major Tourist Attractions (Fairgrounds, Amusement Parks, Zoos, etc.)</u>	<u>Number of Trips Generated Annually<sup>d</sup></u>	<u>200,000</u>	<u>165,000</u>	<u>135,000</u>
	<u>Miles from Interchange<sup>4</sup></u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>Historical, Cultural, or Recreational Attractions, Historic Districts</u>	<u>Number of Trips Generated Annually<sup>d</sup></u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>
<u>1. Over 50,000 population.</u>				
<u>2. 5,000 to 49,999 population.</u>				
<u>3. Under 5,000 population.</u>				
<u>4. The distance may be increased 1/2 mile for each 10 percent over the minimum requirement listed to a maximum of 2 times the maximum distance listed.</u>				
<u>a. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) x 1.5 (college or university without dormitories, each student equals 1.5 trips) x Number of semesters per year x Number of weeks per semester x 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.</u>				
<u>b. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) x 2.0 (college or university with dormitories, each student equals 2 trips) x Number of semesters per year x Number of weeks per semester x 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.</u>				
<u>c. One employee or military personnel equals 0.9 trips. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.</u>				
<u>d. Trip: a single or one-direction vehicle movement either to or away from the traffic generator.</u>				

(j) As stated in subparagraph 14-85.004(10)(h)6., F.A.C., of the Logo Sign Program, if a destination qualifies for a business logo in the attraction category, it shall not be displayed on an existing supplemental guide sign. If the destination wants to apply and is approved for a business logo in the attraction category, it will be removed from the supplemental guide sign.

(2) Standards.

(a) As specified in the MUTCD, ~~Not~~ more than one supplemental guide sign shall be erected at each interchange approach. The supplemental guide sign shall contain no more than two destinations with no more than three lines of legend, excluding exit numbers or exit directions.

(b) ~~If~~ As specified in the MUTCD, not more than two supplemental guide sign panels are required destinations shall be signed at any one interchange approach only one destination shall be displayed on each panel. Not more than two destinations shall be signed at any one interchange approach. Each supplemental guide sign shall contain no more than two destinations, with no more than three lines of legend, excluding exit numbers or exit directions.

(c) Each destination shall be signed only once in each direction.

~~This limit is necessary due to the high number of destinations that qualify for supplemental guide signing.~~

(d) Supplemental guide signs ~~Signs for destinations~~ shall be located in advance of the interchange that is the most practical route to the facility. Local government recommendations on the most practical route will be considered. ~~It is important to note that there may not be space available at the exit with the most direct route.~~

~~(e) "DOWNTOWN" signs shall meet the following criteria in order to be considered for supplemental guide signing:~~

~~1. "DOWNTOWN" signs will only be considered for the largest core city of an urban area population of 50,000 or more.~~

~~2. The limited access facility must traverse the incorporated limits of the city under consideration and have multiple exits for each direction of travel. This is necessary due to the high number of destinations that qualify for supplemental guide signing.~~

~~3. The urban guide signing concept, as specified in Section 2E.06 of the MUTCD, shall be in effect.~~

~~4. A distinct central business district shall exist. Strip development business centers shall not qualify.~~

~~5. Only one such sign will be permitted for each direction of travel. The sign shall be erected in advance of the most direct route to the downtown core. This is necessary due to the high number of destinations that qualify for supplemental guide signing.~~

~~(e)(f) Countdown (Trailblazers shall not be erected on the mainline portion of limited access facilities. Trailblazers are used to provide direction and confirmation to motorists. Their size does not provide enough time for a motorist to read and comprehend the information contained on the sign, at such locations.~~

~~(f)(g) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, and other areas of this section, the name of the operating agency, community group, or enterprise shall not appear in the legend of any supplemental guide sign, or attached to it.~~

~~(h) Major metropolitan area airports and major seaport passenger facilities are considered prime destinations and are eligible for signing.~~

~~(i) Signing for general aviation will not be allowed. This prohibition is based on the fact that tourists looking for the major commercial airports can be confused by general aviation signing, thinking the destination is the commercial aviation airport.~~

~~(g)(a) Supplemental guide signs shall not be installed in advance of freeway-to-freeway interchanges. Interchanges between freeways are major decision points; therefore, the sign messages shall only contain the route shield, cardinal direction, and the name of the next control city on that route.~~

~~(h)(b) Supplemental guide signs shall be installed in advance of freeway-to-spur interchanges if the spur serves a local community.~~

### ~~(3) Guidelines.~~

~~(a)(e) Recreational, Cultural, and historical, and recreational attractions or historical districts shall meet the trip generation criteria in Table 2 4, Criteria for Signing Destinations on Limited Access Facilities and the following specific criteria in order to be eligible for evaluation for signing:~~

~~1. The recreational, cultural, and historical, and recreational attractions attraction or historical district shall be identified by name on either the current Official Florida Transportation Map or other state published/sponsored guides or books, and/or other State Historic Signing Programs, e.g., Wildlife Signing Program. Identification on local city maps does not qualify an attraction for interstate signing.~~

~~2. Cultural and historical attractions or historical districts must be on the National Register of Historic Places, meet trip generation, be located within 15 miles of the limited access facility, and provide easy access for motorists, and ample all-weather (surface treated) parking to be eligible for signing. The attractions or districts can be are publicly or privately owned, but shall be operated on a non-profit basis and be open to the general public year-round for sign eligibility. Examples include forts, battlegrounds, plantations, archeological or geological sites, art galleries, and museums.~~

~~3. Any conversion of attendance to trip generation figures will be evaluated by the Department, based on general engineering practice. Historical attractions and historical districts shall be listed in the National Register of Historic Places.~~

~~4. Recreational attractions are major facilities located within 15 miles of the limited access facility corridor which provide easy access for motorists, ample all-weather parking areas, and several recreational activities such as picnicking, camping, hiking, swimming, fishing, or boating. Examples include public recreational facilities, state forest recreation areas, and wildlife refuges. Recreational attractions shall be operated on a non-profit basis and meet ADA accessibility~~

~~standards for public access. The above requirements are necessary due to the fact that a high number of destinations qualify for signing.~~

~~(b)(d) The criteria referenced in Table 2 4, Criteria for Signing Destinations on Limited Access Facilities, shall be used to determine which destination to sign for on new interchanges, or to determine which destination to add to an existing supplemental guide sign, with an existing destination.~~

~~(c)(e) For the purpose of geographic identification, only state lines, county lines, and municipal limits, as well as significant geographic features shown on the Official Florida Transportation Map, such as waterways, will be signed on limited access facilities. The limited access facility must traverse the corporate limits of a municipality for geographic identification guide signing limits in both directions. No custom place name signs or auxiliary panels will be permitted other than approved 48" x 48" pictographs representing the locality and having sufficient legibility and visual acuity on a standard white on green sign design. With the addition of the pictograph, the local government must provide an approved sign panel.~~

~~Unincorporated areas shall meet the criteria as shown in Rule 14 51.040, F.A.C., Place Name Signs, in order to qualify for signing. This requirement is necessary due to the high number of named places and limited space available for signing.~~

~~(d)(f) Airports shall be eligible qualify for signing on limited access facilities when they are served regularly by scheduled airlines with interstate passenger service. The standard airport symbol shall also be used with the airport name.~~

~~(e)(g) Deep water public cargo and/or passenger ports (for Port Authority locations) shall be eligible for signing.~~

~~(f)(h) Rail terminals shall be eligible qualify for signing on limited access facilities when they are intercity rail (Amtrak, Commuters, etc.). They must shall provide regularly scheduled passenger service and have parking spaces available to accommodate patrons for patron use.~~

~~(i) Park and Ride areas shall qualify for signing on limited access facilities when they are governmentally owned and operated as part of a car pool, van pool, or other public transportation program. The facility shall have parking spaces for patron use.~~

~~(g) Certified Florida Farm Wineries shall be eligible for signing pursuant to Section 599.044, F.S. The Florida Farm Winery logo panel with supplemental name panel shall be installed based on space availability.~~

~~(h) Signing for "regional malls" or "regional shopping centers" (Malls) shall be eligible for signing through the Department's permit system: only if the facility is located within 5 miles of the qualifying interchange and occupies 1,000,000 square feet or more of active retail sales area (excluding any parking, business, residential or hotel space, landscape area, or shipping, receive, warehousing, or stock~~

areas). Malls with open-air promenades comprised of individual buildings, located together in a themed environment that meet the square feet requirement and are in a climate-controlled active retail area may be considered. To be eligible for signing as a Mall, all property included as square footage shall be managed by a single leasing agent and storefronts shall be on the same or contiguous properties. Outparcels are not included. If the District Traffic Operations Engineer determines that safety or operational problems can be attributed to unclear directions to the Mall, then a request shall be processed based on the criteria established in Rule 14-51.013, F.A.C.

1. If the minimum qualifying criteria is not met, the applicant shall submit a traffic engineering study performed by a licensed Florida professional engineer, addressing each of the qualifying criteria which include:

a. Research and evaluation of the need for any Mall directional signs on the roadway(s) leading to the Mall from the interchange.

b. The safety and operational issues affecting both site and non-site destined traffic.

c. Whether existing or proposed on-site Mall signage is visible and provides sufficient advance notice to motorists traveling on the limited access facility to recognize the Mall destination and safely enter the exit ramp at the interchange.

(i) State-funded community college main campuses, vocational/technical center campuses, and university main campus are eligible for signing. Satellite campuses are eligible, only if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher at the campus site.

1. If the campus requests a name change within four years of sign installation, the campus shall be responsible to contract for all supplemental guide sign panel replacements, at their own expense.

2. The campus shall provide an inventory of all existing supplemental guide sign sizes and locations, including the local road system.

3. The Department will provide an approved standard sign design for the supplemental guide signs on the state highway system. The Department will install the supplemental guide signs on the state highway system, unless a pictograph is requested in the design. All supplemental guide signs with pictographs shall be installed through the Department's permit system.

(j) Private colleges and universities, whether for-profit or non-profit, where student travel, to attend regularly scheduled classes at that campus meet the minimum trip generation criteria in Table 2 are eligible for signing through the permit system where space is available. Other private universities with existing signs will be allowed to retain their signs, so long as they remain active.

(k) Schools licensed by the Department of Education's Commission for Independent Education are not eligible for signing to any site, unless student travel to that site meets the trip generation criteria referenced in Table 2.

(l) Signing for multi-modal transportation facilities is considered supplemental guide signing, except for those that qualify as a general service. Multi-modal facilities are stations that link various modes of transportation: airports (air carrier and general aviation), seaports (passenger and cargo), commuter rail terminals, freight and intercity rail terminals, intercity buses, parking lots, garages, and Park and Ride. A signing plan for multi-modal facilities must be submitted.

(m) Veteran's Hospitals which are designated as the regional treatment centers center for veterans are eligible for signing on limited access facilities. VA community service and community based outpatient clinics, centers, benefits offices, and national veterans cemeteries are not eligible to be signed on limited access facilities.

(n) Medical facilities/research centers that have regional, statewide, or national significance, provide in-patient and out-patient services by advance appointment, perform specialized surgery or treatment of human diseases are eligible for signing on limited access facilities.

(o) If a destination qualifies for supplemental guide signing, but is participating in the logo program in the attraction category it shall not be eligible for supplemental guide signing. If a signed destination is approved for a business logo in the attraction category, then it will be removed from the supplemental guide sign.

(p) Major metropolitan area airports and major seaport passenger facilities are considered prime destinations and are eligible for signing.

(q) Signing for General aviation will not be eligible for signing allowed. This prohibition is based on the fact that tourists looking for the major commercial airports can be confused by general aviation signing, thinking the destination is the commercial aviation airport.

(r) "DOWNTOWN" signs must ~~shall~~ meet the following criteria in order to be eligible for ~~considered for~~ supplemental guide signing:

1. "DOWNTOWN" signs will only be considered ~~only~~ for the largest core municipality city of an urban area with a population of 50,000 or more.

2. The limited access facility must traverse the incorporated limits of the municipality under consideration and have multiple exits for each direction of travel.

3. The urban guide signing concept, as specified in Section 2E.06 of the MUTCD, shall be in effect.

4. A distinct central business district must exist. Strip development business centers and mixed-use urban development, or re-development areas, shall not qualify as "downtown" or be eligible for ~~or~~ signing.

5. Only one such sign shall ~~will~~ be permitted for each direction of travel. The sign shall be ~~erected~~ created in advance of the most direct route to the downtown core. ~~This is necessary due to the high number of destinations that qualify for supplemental guide signing.~~

(4) Destinations Not Eligible for Which Signing Shall Not Be Provided.

~~(a) Except as provided in Rule 14-85.004, F.A.C., Logo Sign Program or General Services, signing shall not be provided for the following destinations, shown in Table 3, shall not be eligible for signing Destinations for Which Signing Shall Not Be Provided on Limited Access Facilities. These restrictions are necessary due to the high number of destinations that qualify for supplemental guide signing, and the low number of motorists who are unfamiliar with the area and who are going to these destinations.~~

Table 3 – Destinations <u>Not Eligible for Which Signing Shall Not Be Provided on Limited Access Facilities</u>	
Businesses	<u>Chamber of Commerce, tTelevision/rRadio sStation, Theaters, live performance or movie theaters, mMotels/hHotels/iInns, tTravel tTrailer pParks, iIndustrial pParks and pPlants, commerce centers, sShopping or outlet cCenters (less than 1,000,000 square feet), auto malls, auctions, flea markets, mixed-use developments or re-developments (retail, and/or office, and/or residential, and/or other commercial facilities or attractions regardless of combined trip generation).</u>
Cemeteries	<u>Local, sState, federal, sovereign nation, pPublic, pPrivate.</u>
Community Facilities	<u>Libraries, cChurches, sSubdivisions, mMixed uUse fFacilities, community and general aviation airports, recreational facilities or parks.</u>
Governmental	<u>Research/eExperimental campuses even when associated with a state college or university; student and field trip traffic generation state, regional, district headquarters, local offices even where trip generation is associated with public meetings, hearings or permit applications, Government centers, cCourthouses, dDrivers' lLicense cCenters, jJails, correctional facilities, prisons, cCivil dDefense fFacilities, mMaintenance fFacilities, pPower pPlants, gaming facilities not operated under Florida pari-mutuel licensing.</u>

Schools	<u>K through 12, sSeminaries, post-graduate educational facilities.</u>
Historical	<u>Homes/buildings/sites/landmarks publicly or Public and pPrivately oOwned Facilities operated for Profit, hHeritage tTrails.</u>
Medical	<u>All classes of hospitals, and other licensed facilities except as specified in Rules 14-51.021 and 14-51.020, F.A.C., mMental health fFacilities, rResearch fFacilities, sSanitariums, rehabilitation/iInfirmaries/tTreatment cCenters, nNon hHospital Veteran's fFacilities, cCounty/fFraternal/nNursing hHomes, rRetirement fFacilities, hHumane fFacilities including animal emergency services, Hospitals (not qualified under General Motorist Services).</u>
Military	<u>Sites/dDetachments, aArmories, aArsenals.</u>
Recreation/Conservation	<u>Country cClubs/gGolf courses/resorts, fFish hHatcheries, gGame fFarms, tTree nNurseries/aArboretums, pPoints of iInterest, cCamps (sScout, cChurch, 4-H, yYouth, YMCA/YWCA) nNature tTrails, conservation or protection areas, conservation developments, watersheds, trail heads and crossings.</u>

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New 3-27-05, Amended \_\_\_\_\_.

14-51.021 General Service Signs.

~~General service signing is used when such services are infrequent, and not within sight of the interchange.~~

(1) General Criteria.

~~(a) General service signing is used when the general services provided are infrequent and not within sight of the interchange.~~

~~(b)(a) Requests for general service signing (except Logo signing) shall be directed to the District Traffic Operations Engineer.~~

~~(c)(b) General service signing for general services is considered supplemental to overall signing.~~

~~(d)(c) General service signs, including signing for state agency buildings, have a white legend on blue background, excluding except for multi-modal facilities.~~

~~(e)(d) The name or pictograph representing of the operating agency, community, group, individual, or enterprise shall not appear on the general service sign, except for state agency buildings, and other facilities meeting the criteria established in this rule chapter. If a pictograph is used, it shall be installed through the Department's permit system.~~

~~(f)(e)~~ Symbol signs for hHospital, aAirport, Amtrak, Greyhound, cCruise-based sSeaports, and cCommuter rRail, and multi-modal terminals can be used in urban or rural areas, when ~~the they qualify based on~~ criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.) are met.

~~(f)~~ Tourist Information Centers will use word legend signs. The results of an International Signing Study showed that the international tourist understood the word message more than the “i” or “?” symbol.

(g) In no case shall general service signing be erected that would function primarily as advertisements for businesses.

~~(h)~~ In no case shall information relating to general services be displayed until trailblazer signing has been installed to direct motorists from the exit to the service. Signs for a Hospital shall be erected on the State Highway System in advance of the interchange which provides the most practical route to that facility when the hospital facility has an emergency room open 24 hours each day, 7 days a week. Where more than one hospital meeting The purpose of the Hospital sign is to provide direction to motorists in need of immediate medical services.

~~(i)~~ Tourist Information Center signs will be erected on the State Highway System when:

1. The signing requests are received from local government; and

2. The destination provides continuous service for a minimum of eight hours a day, seven days a week; and

3. The destination is operated exclusively by a non-profit organization, or is approved by local government to operate as a tourist information center; but

4. ~~If the Tourist Information Center is operated on a seasonal basis, the signs shall be removed during the off season.~~

~~(j)~~ In no case shall information relating to general services be displayed until trailblazer signing has been installed to direct motorists from the exit to the service.

(2) Standards.

(a) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, where logo signs are utilized, general service signs shall not be used. General service sSigning for general services off the Department’s right of way shall will not be provided when those services are conveniently located off an interchange.

(b) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, only symbol signs will be used to advise of the availability of gGas, fFood, lLodging, cCamping, hHospital, and telephone Phone on rural limited access facilities Symbol signs for Hospital can be used in urban areas based on criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

(c) When three or fewer general ~~of these~~ services are available at a given interchange, and it is unlikely that more than three general services will be provided in the near future,

the symbol signs denoting these general services will be attached appended to the advance guide sign. At locations where the “NEXT EXIT 00 MILES” panel is attached to the advance guide sign, the symbol service signs will be attached appended to the exit direction sign. If four or more general services are available at an interchange, or are anticipated in the near future, ~~it will be necessary to install~~ a supplemental roadside sign denoting the available general services and by symbols, with the bottom line of copy reading “NEXT RIGHT” or the interchange exit number shall be installed.

(3) Guidelines. Each general service sign has its own set of criteria that must be met in order for signing to be provided on limited access facilities.:

(a) Gas.

1. The sService station facility shall be is located within 1 mile of the exit ramp terminal;

2. Is open for continuous service a minimum of 16 hours ~~each day, 7 days a week;~~

3. Provides vehicle services including fuel and oil;

4. Provides public rest rooms; and

5. Has a telephone available for public use.

(b) Food.

1. The A restaurant facility is located within 1 mile of the exit ramp terminal;

2. Serves a complete meal and is open for continuous service a minimum of 14 hours ~~each day, 7 days a week;~~

3. Provides public rest rooms;

4. Has a telephone available for public use; and

5. Is licensed by as meeting the requirements of the Florida Department of Business Regulation, Division of Hotels and Restaurants, and the local County Health Department.

(c) Lodging.

1. The lodging facility is located within 1 mile of the exit ramp terminal;

2. Is equipped with 20 or more units for rent;

3. Has a telephone available for public use; and

4. Is licensed by the as meeting the requirements of Florida Department of Business Regulations, Division of Hotels and Restaurants, and the local County Health Department.

(d) Camping.

1. The camping facility is located within 5 miles of the exit ramp terminal;

2. Is equipped with a minimum of 25 rental camp sites (RV and tent not just one or the other);

3. Is equipped with indoor sanitary toilet and bathing facilities;

4. Has a telephone available for public use; and

5. Is licensed by as meeting the requirements of the local County Health Department.

(e) Hospital Emergency Room Service Signs for a Hospital will be erected in rural and urban areas in advance of an interchange when:

1. General service signs for hospital emergency room services will be erected in rural and urban areas in advance of an interchange when: The hospital facility is located not more than 10 miles from the exit ramp terminal; and

2. The purpose of the hospital sign is to provide direction to motorists in need of immediate medical services. Hospital general service signs shall be erected in advance of the interchange which provides the most practical route to that facility when the hospital facility has an emergency room open 24 hours, 7 days a week. In the event a hospital meets the criteria, but another hospital is closer by continuing along the limited access facility to another exit, the first hospital will not be signed for.

3. Where more than one hospital meeting the criteria is available from any one interchange, only the hospital located closest to the exit point shall be signed or trailblazed.

4. The hospital facility shall not be located more than 10 miles from the exit ramp terminal; and

5. In the event a hospital meets the criteria, but another hospital is closer by continuing along the limited access facility to another exit, the first hospital will not be signed.

(f) Tourist Information Centers Signs for a Tourist Information Center will be erected when the center is located on a direct route from the limited access highway and not more than 1 mile from the exit ramp;

1. Tourist information centers should be signed as a general service with the word legend "INFO" and

2. Signs for tourist information centers will be erected when the center is located on a direct route from the limited access facility and not more than 1 mile from the exit ramp; and

3. Tourist information center signs will be erected when:

a. The general service signing requests are received from local government; and

b. The destination provides continuous, professionally staffed service for a minimum of 8 hours, 7 days a week; and

c. The destination, located within 1 mile of the interchange, is operated exclusively by a non-profit organization, or is approved by local government to operate as a tourist information center.

4. If the tourist information center is operated on a seasonal basis, the general service signs shall be removed during the off season.

5. All trailblazers on the non-limited access facility shall be installed by the local government agency through the Department's permit system.

(g) Telephone, Ssymbol signs will be erected when:

1. The telephone is a public telephone available for use 24 hours a day, 7 days a week; and

2. The telephone is located within the immediate interchange area, not more than 1/2 mile from the interstate or exit ramp, and the immediate interchange is located in an isolated rural area; and-

3. The interchange does not have Signs denoting Telephone shall not be installed in advance of interchanges where Gas, Food, Lodging, or Camping (located within 1 mile of the interchange) is identified since a criterion for signing for these services includes the availability of a telephone for public use.

(h) Pari-mutuels associated with jai-alai, horse tracks, or dog tracks shall display word legend JAI-A'LAI, HORSE TRACK, or DOG TRACK. The state standard symbol shall not be displayed on limited access facilities. The registered name of a qualifying pari-mutuel facility shall only be displayed documentation that a distinction is necessary for safe navigation and travel confirmation for its patrons.

(i) Park and Ride areas shall qualify for general service on limited access facilities when they are governmentally owned and operated as part of a car pool, van pool, or other public transportation program. The facility shall have parking spaces available for patron use.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New 3-27-05, Amended \_\_\_\_\_.

## PART III GUIDE SIGNS ON NON-LIMITED ACCESS FACILITIES

### 14-51.030 Destination Supplemental Guide Signs.

(1) General.

(a) The criteria referenced for destinations listed in Table 4 are used to determine which destinations will be signed for on non-limited access facilities. Florida Farm Wineries qualify for signing as defined by Section 599.004, F.S. Signs shall be installed at the nearest state highway intersection based on space availability.

(b) For pari-mutuel facilities that offer gaming, trip generation that may be attributed to the draw of the gaming activity alone are not eligible to qualify that facility for destination guide signing as an attraction on the basis of trip generation. Signing for regional malls or shopping centers (1,000,000 square feet or more) will be approved when safety or operational problems can be attributed to unclear directions and when the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.) are met. Safety and operational problems shall be documented and affect both site destined and other traffic.

(c) A state-funded community college, vocational/technical center, or university main campus are eligible to request signing. Satellite campuses are eligible if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher without attending the main campus.



(d) Private colleges and universities that meet the trip generation referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are eligible for signing. Private universities with existing signs will be retained so long as they remain active, because they were signed for before these criteria were developed.

(e) Schools licensed by the Department of Education's Commission for Independent Education are not eligible for signing unless they meet trip generation criteria referenced in Table 4, Criteria for Signing Destinations on Non Limited Access Facilities.

(f) Signing for multi-modal transportation facilities is considered supplemental guide signing, except for those which qualify as a general service.

(g) Multi-modal facilities are airports (air carrier and general aviation), seaports (passenger and cargo), rail terminals, intercity bus, parking lots, garages, and Park and Ride.

(h) A signing plan for multi-modal facilities must be submitted.

(i) Veterans' Hospitals which are designated as the regional treatment center for veterans are eligible to be signed for on non-limited access facilities.

(j) Medical facilities which provide, by advance appointment, specialized surgery or treatment of human diseases are eligible for signing on non-limited access facilities. The installation of these signs would be helpful to the motorists unfamiliar to the area who have been referred to these facilities, and must travel distances greater than 100 miles to receive treatment.

(k) The criteria referenced for destinations listed in Table 4, Criteria for Signing Destinations on Non Limited Access Facilities are used to determine which destination will be signed for on non-limited access facilities. A more detailed explanation is shown in the Sign Evaluation Process (Rule 14 51.013, F.A.C).

(2) Standards.

(a) Not more than six eligible qualifying destinations, including cities, shall be signed at any intersection approach. Exception for community wayfinding guide sign systems and TODS guide signing are found in Rule 14-51, Part V and Part VI, F.A.C. These eligible qualifying destinations shall should not be indicated on ~~not~~ more than two 2 separate signs, with no more than three lines of legend on each sign. ~~This limit is necessary due to the limited availability of Department right of way to install signs, and the need to provide enough time for the motorist to read and comprehend the sign messages.~~

(b) If there are four three destinations to be signed at a given intersection, all four three destinations should shall be included on one sign, unless lateral restrictions limit sign panel square footage.

(c) ~~Signs for D~~destinations guide signs shall be located in advance of the intersecting roadway that is the most direct ~~and/or~~ desirable route to the facility. Local government recommendations on the most desirable route will be considered. ~~This is necessary~~ because the most direct route may have roadway safety features that are less desirable than the longer route.

(3) Guidelines.

(a) Any state or national park; or state forest; open to the public and offering multiple recreational activities with ADA access and accommodations, including restrooms and paved handicapped parking, shall be eligible. Countdown trailblazers permitted in rural areas for route confirmation. Advance mileage signs for these parks are eligible for signing. Sign panels, installation, and maintenance shall be provided by the park or forest destination. Advance signs shall not be located ~~no~~ more than 10 miles from the park entrance.

Type of Destination	Criteria	Guidelines		
		Major Metro Areas <sup>1</sup>	Urban Areas <sup>2</sup>	Rural Areas <sup>3</sup>
State Colleges and Universities	Nearest <u>intersection to the sState hHighway sSystem, Junction</u>			
Private Colleges and Universities	Number of Trips Generated Annually <sup>c</sup>	550,000 <sup>ad</sup> 900,000 <sup>ad</sup>	550,000 <sup>ad</sup>	300,000 <sup>ad</sup>
		1,200,000 <sup>bd</sup>	750,000 <sup>bd</sup>	450,000 <sup>bd</sup>
Private Vocational/Technical Schools	Number of Trips <sup>4</sup> Generated Annually	675,000 <sup>d</sup>	550,000 <sup>d</sup>	300,000 <sup>d</sup>
Military Bases	Number of Trips <sup>4</sup> Generated Annually <sup>c</sup>	5,000,000 <sup>c</sup>	4,000,000 <sup>c</sup>	3,000,000 <sup>c</sup>

Arenas, Auditoriums, Amphitheaters, Civic Centers, Convention Halls, Stadiums, Major Tourist Attractions (Fairgrounds, Amusement Parks, Zoos, etc.)	Number of Trips <sup>4</sup> Generated Annually	37,500 trips plus 3,750 per mile of distance from intersection		
State and National Parks, and State Forest Recreational Areas	Nearest <del>Intersection</del> to the <del>State</del> <del>Highway</del> <del>System</del> .			
Youth Camps (YMCA, Scouts, etc.)	Signing only in rural areas, with facilities for a <u>minimum of 50 persons</u> <del>minimum</del> on an overnight basis and in operation for at least 6 months of the year.			
<del>Mental Health Institutions</del> and Medical Facilities	Minimum of 500 beds <u>in urban and suburban areas</u> . Nearest <del>State</del> <del>Highway</del> <del>System</del> Exit. <u>Bed minimum can be lowered for hospitals with access off the state highway system serving isolated, rural county populations.</u>			
Downtown	There must be a clear central core commonly considered the downtown area that is located on an intersecting road a maximum of 3 miles off the state road. <u>This excludes requests for signing new development or re-development zones as “downtown” that were not historically the “downtown” prior to new construction or rehabilitation.</u>			
Drivers License	Nearest <del>Intersection</del> only.			
State Agency Buildings	Number of Trips <sup>4</sup> Generated Annually	260,000	100,000	1,500
1. Over 50,000 population (Section 334.03, F.S.).				
2. 5,000 to 49,999 population (Section 334.03, F.S.).				
3. Under 5,000 population.				
4. Trip: a single or one-direction vehicle movement either to or away from the traffic generator.				
a. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) <del>x</del> 1.5 (college or university without dormitories, each student equals 1.5 trips) <del>x</del> Number of semesters per year <del>x</del> Number of weeks per semester <del>x</del> 5 days per week. Figures based on AASHTO’S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
b. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) <del>x</del> 2.0 (college or university with dormitories, each student equals 2 trips) <del>x</del> Number of semesters per year <del>x</del> Number of weeks per semester <del>x</del> 5 days per week. Figures based on AASHTO’S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
c. One employee or military personnel equals 0.9 trips. Figures based on AASHTO’S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
d. Trip: a single or one-direction vehicle movement either to or away from the traffic generator.				

(b) “DOWNTOWN” signs shall meet the following criteria in order to be considered for ~~destination supplemental~~ destination supplemental guide signing.

1. “DOWNTOWN” signs will be considered for ~~municipalities~~ cities with a population of 5,000 or more.

2. The non-limited access facility route shall traverse the ~~municipal~~ city limits.

3. A distinct central business district must exist. Strip development, business centers, mixed-use development, or re-development shall not be considered as “downtown” or as a qualifying destination for guide signing unless it was historically identified as the “downtown” ~~qualify~~.

4. Only one such sign will be permitted for each direction of travel ~~This requirement is necessary in order to provide the most practical route to the central business district.~~

(c) The criteria referenced in Table 4, ~~Criteria for Signing Destinations on Non-Limited Access Facilities~~, shall be used to determine which destination to add to an existing destination supplemental guide sign, ~~with an existing destination~~.

(d) Hospitals are eligible for destination guide signing when the hospital does not have access from the state highway system, and is not located more than three miles from the intersection to be signed (other than trailblazers from a limited access facility).

~~(e)(d)~~ Unincorporated areas shall meet the criteria as shown in Rule 14-51.041, F.A.C., ~~Place Name Signs~~, in order to qualify for signing ~~This requirement is necessary due to the high number of named places and limited space available for signing.~~ Counties may develop a program to sign the boundaries of unincorporated communities with historic or cultural interest that are not on the Official Florida Transportation Map, through the Department’s permit system. Standard white-on-green geographic identification signs may be placed within the Department’s right-of-way. All custom place name signs for unincorporated communities must be located outside the right-of-way.

~~(f)(e)~~ Recreational, historical, or cultural attractions funded by federal, state, or local governments are eligible for destination guide signing. Such attractions shall meet the following specific criteria in order to be eligible ~~qualify~~ for signing:

1. Historical attractions shall be listed in the National Register of Historic Places and be open to the general public year round. City historical areas or districts shall be officially declared by either city or county resolution in order to qualify for signing.

2. Cultural attractions shall be open to the general public year round.

3. Signs for such facilities shall be limited to the nearest intersection to the ~~s~~State ~~h~~Highway ~~s~~System ~~junction~~.

4. Recreational attractions ~~shall be~~ are operated on a non-profit basis and include multiple activities such as picnicking, camping, hiking, swimming, fishing, or boating.

5. ~~All recreational, historical, or cultural attractions shall have multiple activities, restrooms, ADA access and paved handicapped parking facilities. The recreational, historical, or cultural attraction is identified by name on state published/sponsored guides or books, and/or other State Historic Signing Programs, e.g., Wildlife Signing Program, Canoe Trail Signing Program. The above requirements are necessary due to the high number of destinations that qualify for supplemental guide signing.~~

~~(g)(f)~~ Signs shall be installed to identify designated, developed parking areas for state or local recreational trails only. To be eligible for destination guide signing, the recreational trail must be ADA accessible and the parking ADA compliant. These signs are for traffic control purposes only, and are not intended for advertisement.

~~(g)~~ Small businesses that are under contract with the United States Postal Service (USPS) to provide their services are eligible for signing. In order to qualify for signing they shall have a contract with the USPS and provide a confirmation letter from the USPS along with their written request for signing. The signs shall be green background with white lettering and have the appropriate directional arrow.

~~(h)~~ Requests for destination signing by local government agencies shall be approved through the Department's permit process. The Department shall allow local government to fabricate and install these supplemental guide signs pursuant to Department direction. Signs for the following facilities shall be erected at the intersection nearest the facility based on locations for these signs that do not interfere with official traffic control devices:

~~1. Post Offices, including contract USPS refereneed above;~~

~~2. Libraries;~~

~~3. Recycling Drop Off Centers;~~

~~4. Courthouses;~~

~~5. Publicly-owned Vocational/Technical Schools that meet criteria established in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities;~~

~~6. Parks;~~

~~7. High Schools;~~

~~8. Tax Collectors;~~

~~9. Chamber of Commerce;~~

~~10. Animal Shelters;~~

~~11. City/Town Halls;~~

~~12. Landfills;~~

~~13. Bus and Rail Stations; and~~

~~14. National Veterans' Cemeteries.~~

~~(i)~~ Parking lots and garages shall qualify for signing if they are governmentally owned and open to the public, with non-reserved parking spaces, and not more than one mile from the intersection. The green and white "P" parking symbol sign shall be used without the name of the parking facility.

~~(h)(j)~~ Rail Terminals shall be eligible ~~qualify~~ for destination guide signing when the ~~they meet the~~ following criteria are met:

1. Intercity rail (Amtrak, ~~c~~Commuters, etc.) shall provide regularly scheduled passenger service and have parking spaces for patron use.

2. Intra-urban rail shall ~~be approved by the Department,~~ provide regularly scheduled service, and have parking spaces for patron use.

~~(k)~~ Signing for an intercity bus service shall consist of the standard use of local bus stop signs.

~~(i)~~ Destination guide ~~s~~Signing for a ~~an~~ intra-city non-charter interstate bus service shall only include the standard general service signing for a Greyhound bus station and/or bus stop. The purpose of the standard Greyhound symbol sign is to assist motorists who are trying to locate a bus station which is inside a building, or a published, scheduled stop that is not serviced by any ticket agent at that remote stop.

~~(j)(m)~~ Seaports, deep water public cargo, or passenger ports (for Port Authority locations) are eligible ~~qualify~~ for destination guide signing on non-limited access ~~Controlled Access~~ facilities.

~~(k)(n)~~ Airports are eligible ~~qualify~~ for signing when the following criteria are met:

1. Air carrier airports are those which are served regularly by scheduled airlines. The airport symbol shall also be used with the airport name.

2. General aviation ~~Aviation~~ (open to public use) destination guide signs are allowed in each direction along the ~~s~~State ~~h~~Highway ~~s~~System in advance of an intersecting roadway that which provides direct access to the airport property. Signing shall be limited to an intersection within ~~three~~ five miles of the airport. The facility may be named on an auxiliary panel with the general service airport sign. The directional arrow panel is mandatory. The airport general service sign should be pointed such that the tip of the airplane is pointed in the same direction of the arrow panel.

~~(l)~~ Certified Florida Farm Wineries shall be eligible for destination guide signing pursuant to Section 599.004, F.S. The Florida Farm Winery logo with supplemental name panel shall

be installed at the nearest state highway intersection based on space availability for certified wineries. There is a fee associated with this signing.

(m) Regional malls or regional shopping centers (1,000,000 square feet or more) shall be eligible for destination guide signing through the permit system when safety or operational problems can be attributed to unclear directions and when the criteria established in Rule 14-51.013, F.A.C., are met. Safety and operational problems, where signing will improve corridor safety or relieve congestion and affects both site destined and other traffic, shall be documented by a Professional Engineer registered in the State of Florida.

(n) Colleges and Universities.

1. State-funded community college, vocational/technical center, or university main campuses are eligible to request destination guide signing. Satellite campuses are eligible if the curriculum allows students to obtain an associate of arts (AA) degree, or higher, attending classes at that campus (no travel to another campus or web-based courses to complete coursework in standard schedule). Name changes on existing destination guide signs made within four years of existing sign panel installation will be allowed at the expense of the college or university. The board shall be responsible to contract with a private vendor for the sign replacement panel, or overlay at their own expense. The Department will install and maintain the updated panel. The Department will provide an approved sign design that can be accommodated on the existing structure. Modifications, such as abbreviations to the desired legend text may be necessary. If a pictograph is used, the sign shall be installed and maintained through the Department's permit system.

2. Private and all for-profit colleges and universities that meet the trip generation referenced in Table 4 are eligible for signing through the Department's permit system, if they meet the criteria outlined in Rule 14-51.013, F.A.C. Private universities with existing signs will be retained so long as they remain active. Private and for-profit universities shall only be eligible for destination guide signing to distinct college campuses, when the core baccalaureate degree requirement courses are available in traditional classroom settings at that site and meet the trip generation criteria.

3. Schools licensed by the Department of Education's Commission for Independent Education are not eligible for signing to any site unless they meet the trip generation criteria referenced in Table 4.

(o) Signing for multi-modal transportation facilities is considered destination guide signing, except for those that qualify as a general service.

1. Multi-modal facilities are airports (air carrier and general aviation), seaports (passenger and cargo), rail terminals, intercity bus, parking lots, garages, and Park and Ride.

2. A destination guide signing plan for multi-modal facilities shall be submitted.

(p) Veterans' Hospitals designated as the regional treatment center or State Veterans' nursing homes are eligible for destination guide signing on non-limited access facilities.

(q) Medical facilities/research providing by advance appointment, specialized surgery or treatment of human diseases, providing both in-patient and out-patient services, are eligible for destination guide signing on non-limited access facilities.

(r) Requests for destination guide signing by local government agencies shall be approved through the Department's permit system. The Department shall allow local governments to fabricate and install the following destination guide signs pursuant to Department standards and direction. The following facilities are eligible for destination guide signing when they do not have direct state road access. The signs shall be erected at the intersection nearest the facility and shall not interfere with official traffic control devices:

1. Post Offices, including small businesses that are under contract with the United States Postal Service (USPS) are eligible for destination guide signing, when requested by local government and signed through the Department's permit system. In order to qualify for signing they shall have a contract with the USPS and provide a confirmation letter from the USPS along with their written request for signing. The destination guide signs shall be green background with white lettering and have the appropriate directional arrow;

2. Libraries;

3. Recycling Drop-Off Centers;

4. Courthouses;

5. Publicly-owned Vocational/Technical Schools that meet criteria established in Table 4;

6. Parks;

7. High Schools;

8. Constitutional Officials, such as Tax Collectors;

9. Chamber of Commerce; Tourist information;

10. Animal Shelters;

11. City/Town Halls;

12. Landfills; Transfer Stations;

13. Bus and Rail Stations;

14. National Veterans Cemeteries;

15. Veterans Community Treatment Centers;

16. Multi-use developments/redevelopment areas, such as Town Centers, when it is demonstrated that the majority of traffic is generated by tourism;

17. Temporary signing for access to polling stations;

18. Tourist Oriented Directional Signing Systems in qualifying counties;

19. Place name signs for unincorporated communities;

20. Community Wayfinding Guide Sign Systems;

21. Custom Place name signs;

22. Public parking, parking lots and garages shall be eligible for destination guide signing if they are open to the public, with non-reserved parking spaces available daily, and not more than one mile from the intersection. The green and white "P" parking symbol sign shall be used without the name of the parking facility;

23. Destination guide signing for an intercity bus service shall consist of the standard single post local bus stop signs. Permit applications are not required, but all signs must be installed outside the clear zone and may not interfere with priority traffic control devices;

24. City historical areas or districts that are officially declared by either city or county resolution.

(4) Destinations for Which Signing Shall Not Be Provided on Non-Limited Access Facilities. Except as provided in Rule 14-85.004, F.A.C., Logo Sign Program or Rule 14-51.021, F.A.C., General Service Signs, destination guide signing shall not be provided for the following destinations shown in Table 5, Destinations for Which Signing Shall Not Be Provided on Limited Access Facilities. The restrictions are necessary due to a high number of destinations that qualify for supplemental guide signing.

Businesses	Television/ <del>r</del> Radio <del>s</del> Station, <del>t</del> Theaters, <del>m</del> Motels/ <del>h</del> Hotels/ <del>i</del> Inns, <del>t</del> Travel <del>t</del> Trailer <del>p</del> Parks, <del>i</del> Industrial <del>p</del> Parks and <del>p</del> Plants, <u>office parks, sShopping districts, strip malls; Centers (less than 1,000,000 square feet) mixed-use developments (retail, restaurant, office, residential in any combination).</u>
Cemeteries	Local, <del>s</del> State, <del>p</del> Public, and <del>p</del> Private.
Community Facilities	Civic <del>g</del> Groups (Kiwanis, Lions, Rotary, etc.), <del>c</del> Churches, <del>s</del> Subdivision, <del>m</del> Mixed <del>u</del> Use <del>f</del> Facilities, <u>business districts.</u>
Government	State, <del>l</del> Local and <del>r</del> Regional <del>p</del> Political <del>o</del> Offices or boundaries.
Schools	K through 9.
Medical	Infirmaries, <u>out-patient or residential</u> <del>t</del> Treatment <del>c</del> Centers; <del>c</del> County, <del>f</del> Fraternal or <u>non-Veterans</u> <del>n</del> Nursing <del>h</del> Homes, <del>r</del> Retirement <del>f</del> Facilities, <u>specialized short or long term treatment or rehabilitation facilities, ambulatory surgical center, specialty hospitals or clinics.</u>

Recreation/Conservation	Water and <del>s</del> Soil <del>c</del> Conservation <del>d</del> District <del>b</del> Boundaries, <u>water sheds, habitat or natural resource protection zones,</u> <del>r</del> Recreation <del>c</del> Centers ( <del>c</del> Community <del>c</del> Centers, <del>s</del> Swimming <del>p</del> Pools, <del>b</del> Baseball/ <del>s</del> Softball <del>f</del> Fields, <del>t</del> Tennis <del>c</del> Courts, etc.), <u>training centers, cCountry cClubs, pPrivate gGolf cCourses, tFree nNurseries/aArboretums (including those sponsored by government services).</u>
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Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

14-51.031 General Services Signs.

General service signing is used when the subject services are infrequent, and not within sight of the intersection.

(1) General Criteria.

(a) General service signing is used when the general services provided are infrequent, and not within sight of the intersection.

(b)(a) Requests for ~~C~~General ~~S~~service ~~S~~signing (except Logo signing) shall be directed to the District Traffic Operations Engineer.

(c)(b) Signing for general services is considered supplemental to overall signing.

(d)(e) General service signs, including signing for state agency buildings, such as INFO and DRIVERS LICENSE, shall have a white legend on blue background; except for multi-modal and pari-mutuel general service signs are white-on-green, and recreational attractions are white-on-brown facilities.

(e)(d) The name of the operating agency, community, group, individual, or enterprise shall not appear on the general service sign, except for state agency buildings; and ~~other~~ facilities meeting the criteria established in this section.

(f)(e) Symbol signs for hospital, airport, Amtrak, Greyhound, cruise-based seaports, and commuter rail are authorized by the District Traffic Operations Engineer in urban or rural areas based on criteria established in Rule 14-51.013, F.A.C.

(g) In no case shall general service signing be erected that would function primarily as an advertisement for a business businesses.

(h) ~~The purpose of the hospital sign is to provide direction to motorists in need of immediate medical services. When requested, signs for a Hospital shall be erected on the State Highway System in advance of the intersection which provides the most practical route to that facility when:~~

1. The hospital facility has an emergency room open 24 hours each day, 7 days a week. Where more than one hospital meeting the criteria is available from any one intersection, only the hospital located closest to the exit point shall be signed or trailblazed; and

2. The criteria referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are met.

(i) Tourist Information Center signs qualify for signing on the State Highway System when:

1. The signing request is received from local government; and

2. The center gives continuous service for a minimum of eight hours a day, seven days a week; and

3. The center is operated exclusively by a non-profit organization or is approved by local government to operate as a Tourist Information Center; but

4. If the Tourist Information Center is operated on a seasonal basis, the signs shall be removed during the off season. If the Tourist Information Center sign is approved under the criteria referenced above, it shall be installed under the Department's permit process by local government.

(h)(j) In no case shall information relating to general service signing shall not services be displayed until trailblazers have trailblazer signing has been installed to direct motorists from the intersection to the service.

(i) Not more than one general service sign with a directional arrow for a particular service shall be displayed, in each direction, in advance of the intersection facility. General service signs shall only be located in advance of the intersecting road which is the best and most direct route to the facility.

(j) General signs on non-limited access facilities shall not be installed within competitive range of participating Logo sign program enterprises offering similar services.

(2) Standards.

(a) Police, sheriff, and highway patrol stations that are staffed and open 24 hours are eligible for general service signing. Guidance to a closed facility, even one with a "hotline" contact telephone, may increase danger or increase response time in an emergency. Not more than one sign with a directional arrow for a particular service shall be displayed, in each direction, in advance of the intersection to the facility. Signs for these services shall only be located in advance of the intersecting road which is the most direct and best route to the facility.

(b) Driver license, police, sheriff, and highway patrol stations that are open 24 hours are eligible for signing.

(b)(e) Hospitals are eligible for general service signing when the hospital emergency room is located not more than five three miles from an intersection (other than trailblazing from a limited access facility).

(c) When requested, general service signs for a hospital shall be erected on the state highway system in advance of the intersection which provides the most practical route to that facility when the hospital has an emergency room open 24 hours, 7 days a week. When more than one hospital meeting the criteria is available from any one intersection, only the hospital located closest to the exit point shall be signed or trailblazed.

(d) Tourist information centers are eligible for general service signing when the center is located less than not more than one mile from the state highway system. Tourist information center signs qualify for signing on the state highway system when:

1. The signing request and permit application is received from local government; and

2. The center gives continuous service at least 8 hours, 7 days a week; and

3. The center is operated exclusively by a non-profit organization and is approved and receives funding by the local government to operate as a tourist information center.

4. If the tourist information center is operated on a seasonal basis, the signs shall be removed during the off season. If the tourist information center sign is approved under the criteria referenced above, it shall be installed under the Department's permit system by local government.

(3) Guidelines.

(e)(a) Boat ramp Ramp and camping facilities open to the general public and free of charge Camping signs are eligible for general service signing in advance of intersecting roads in rural areas with direct access to the facility provided the entrance is less than it is located not more than one mile from the state highway system and is open year round. If the facility is associated with a local park or recreation system, it shall be signed by the sponsoring agency through the Department's permit system.

(f)(b) Signing will be provided to state agency buildings with auditorium facilities where public meetings are hosted or generate significant daily traffic from which have large numbers of the general public's vehicular public access. The sign panels will be supplied by the applicant and installed by Department Maintenance forees where space allows on the sState hHighway sSystem. The applicant shall will also supply replacement panels when necessary. The sign shall will be installed adjacent to the building on the sState hHighway sSystem. If the building is located more than one mile from the state highway, then the sign shall will be placed at the nearest intersection, and trailblazers such trailblazing signs to the destination will be supplied by the applicant. Signing will be provided to those state agency buildings where the need for directional information is based on emergency situations, such

as emergency evacuation shelters, permits, and/or a state gas facility, is necessary. All other state agency buildings shall meet the following criteria:

1. ~~The number of non-employee trips generated by the building shall meet the criteria established in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities.~~

2. Meeting space for a minimum of 30 people.

(g) Pari-mutuels associated with jai-alai, horse tracks, or dog tracks are eligible for general service symbol signing on non-limited access facilities. The state-standard symbol will be displayed on the non-limited access facility. The registered name of a qualifying pari-mutuel can be included if it is trailblazing from a limited access facility supplemental guide signing that displays the name. If the Department installs the word message general service panel on the limited access facility, the local government may choose to display the official operating name of the pari-mutuel at the nearest state road intersection as an auxiliary to the standard general service sign, as an assembly, through the Department's permit system.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

#### PART IV PLACE NAME SIGNS

##### 14-51.040 Exclusions.

(1) Place name signs other than for geographic features and boundaries of counties or municipalities, or unincorporated areas found on the Official Florida Transportation Map shall not be erected on non-limited access facilities ~~or freeways~~.

(2) Place name signs for other governmental or quasi-governmental boundaries including such as, but not limited to, water management districts, school districts, voting districts, commissioner districts, and fire districts, shall not be erected on the sState hHighway sSystem.

(3) Place name signs shall not ~~normally~~ be installed for urban subdivisions unless they appear on the full size Official Florida Transportation Map (not on the urban area enlargements).

(4) "Exiting" or "Leaving" added to a place name signs shall not be permitted.

(5) Overhead signs/structures shall not be permitted.

(6) Place name sign requests originated by organizations or persons other than the local government shall not be considered.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

##### 14-51.041 Criteria for Unincorporated Areas.

(1) If an unincorporated area appears on the Official Florida ~~State~~ Transportation Map, place name signing shall be provided on non-limited access facilities by the Department upon request by the county.

(2) Place name signs for sovereign lands or an unincorporated area not appearing on the current Official Florida State Transportation Map will be eligible for signing through the Department's permit system upon written request of the county. Such requests must shall demonstrate the following:

(a) ~~A There shall be~~ clearly identifiable localized development in the area.

(b) The community must lie on or along the sState hHighway sSystem.

(c) ~~A community, for the purpose of place name signing, must have an identifiable boundary. The boundary and area name may not be coincidental to platted or unplatted subdivisions. The community must be demonstrated to have historical or cultural significance, not recreational significance. The community must not be associated with a specific developer, specific development theme, corporate business or investment, or entities such as a private golf course or resorts. Horizontal/vertical curves of the roadway restrict advance notice to motorists approaching the community.~~

(d) ~~The county must demonstrate that the unincorporated community is a county seat or has significant historical historical, cultural, or educational value, that the county has an investment in preserving places of interest, or major tourist attractions which are not separately signed.~~

~~(e) A post office, railroad station, water tower, or similar structure bearing the place name exists in the community.~~

~~(e)(f) The county has installed or agreed to install place name signs on its roads traversing the area.~~

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

##### 14-51.042 Sign Characteristics.

(1) Place name signs shall have a white legend on a green rectangular background.

(2) Place name signs shall be retro-reflectORIZED and shall conform to the MUTCD standards and specifications for guide signs and general information signs.

(3) Place name sSign information shall ~~normally~~ be limited to the name of the place, except for a pictograph Logo representing a special award.

(4) Only one place name sign shall be permitted in each approach direction. The signs shall be located at, or in proximity to, the geographical boundary of the county, ~~or municipality, or unincorporated area.~~

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

##### 14-51.043 Customized Place Name Signs.

(1) No place name signs within limited access facilities will be permitted for custom treatment, other than the addition of a pictograph to the standard white-on-green sign.

(2) On limited access rights-of-way, no customized treatment may be constructed to stand individually, or as an assembly, such that it resembles a place name sign, nor shall a place name be included as part of any landscape structure or design within limited access rights of way.

(3)(4) Customized treatment of county, municipal, sovereign lands, and unincorporated area place name signs shall be considered only for municipal limits and counties on non-limited access state highways other than limited access facilities.

(4)(2) The preferred location of all customized place name signs is off the state highway system right of way, where increased lateral clearance can be used. In such instances, the property owner's permission is required. Custom place name signs may be permitted by the county for sovereign lands and unincorporated areas that are identified on the Official Florida Transportation Map, only where they will be located outside non-limited access facilities right of way. Place name signs located off the state highway system right of way shall conform to Section 479.16(12), F.S.

(5)(3) The Department will not assume responsibility for vegetation management. The preferred location of customized place name signs is off the state highway right of way, where increased lateral clearance can be used. In such instances the property owner's permission is required. When additional right of way is not available, the Department will authorize placement of the sign within state highway right of way. Sufficient lateral clearance is particularly important for custom place name signs due to nonstandard designs and sizes.

(6)(4) The custom place name sign and structure or other treatment shall be located, at or in absolute proximity to, the geographical boundary of the county, or municipality, sovereign nation or unincorporated area in the approach direction only.

(7)(5) The proposed installation shall will not interfere in any manner with other traffic control devices in the area.

(8)(6) Existing city limit or county boundary standard geographic boundary guide signs, and/or nonofficial signs or structures, at or near the location shall be removed.

(9)(7) All custom place name signs installed under these provisions are traffic control devices and shall be made of retro-reflective material or be lighted. Supporting structures shall be designed, constructed, and installed to meet the Department's clear zone and safety criteria including breakaway features, when located within the state right of way or located where there is limited lateral clearance from the travel lanes. The design shall be signed and sealed by a Professional Engineer registered in the State of Florida.

(10)(8) Sign size and lettering shall be appropriate for driver readability without decreasing speed.

(11)(9) Sign information shall be limited to the name of the city or county, municipality, sovereign nation, or eligible unincorporated area, a pictograph, or logo, the words

"Welcome To," and where applicable, a regional designation or phrase approved by local resolution. The "regional designation or phrase" is the only opportunity to chose and indicate an association with any one community designation or initiative program, including national and local grant, planning, or development. Highway signing is intended for traffic control only.

(12)(10) The sign and structure shall be completely devoid of any commercial advertising, sponsorship, or the name of any political candidate, and be of such design and color as to be in good taste and aesthetically pleasing.

(13)(11) In urban areas, the primary location for custom place name signs shall be along the roadside behind curb and gutter sections. Medians will only be considered if all other approach, right roadside locations, either on or off state highway rights of way, are are not physically possible. Median spaces shall not be used to accommodate design size or aesthetic preference.

(14)(12) Installations in any median shall meet the Department's appropriate clear zone and safety criteria. Signs shall not be installed in both the median and roadside at a given location.

(15)(13) Displays shall be fixed. Neither flashing lights, colored lights, or nor changeable messages, shall not be used. However, customized treatment, including interior or exterior illumination, is allowable. In the absence of lighting, all sign face components sign shall be retro-reflective reflectorized.

(16)(14) Upon approval of a customized place name sign request, the Department and the local government shall execute an agreement providing for the local government to install and maintain the customized sign/sign supports and all landscaping and shrubbery associated with the installation, as well as to defray the cost of any electrical energy necessary for operation of the sign display. The agreement shall clearly indicate that the Department reserves the right to have the installation modified or removed from the state highway right of way.

(17) Unincorporated areas that are not on the Official Florida Transportation Map are not eligible for custom place name signs.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

## PART V COMMUNITY WAYFINDING GUIDE SIGNS

### 14-51.051 Standards.

(1) This rule chapter provides statewide criteria for community wayfinding guide signs to be installed on the State Highway System. Any deviation from the standards referenced herein shall require the local government to submit a Request to Experiment to the FHWA as referenced in Section 1A.10 of the MUTCD.

(2) All regulatory, warning, and general service signs within the community wayfinding guide system plan shall conform to the MUTCD. Community wayfinding guide signs



shall not be installed where adequate spacing cannot be provided between the community wayfinding guide sign and higher priority signs. Community wayfinding guide signs shall not be installed in a position where they could obscure the road users' view of other traffic.

(3) ~~The~~ Local governments shall develop and approve through local resolution the criteria for the destinations shown on the community wayfinding guide sign system plan. ~~The~~ Local governments may use the criteria established in Rule 14-51.030, F.A.C. The intent is to provide guidance and navigation information to local cultural, historical, recreational, and tourist activities. No destination may be displayed for the purpose of advertising.

(4) Communities eligible for community wayfinding guide signs must ~~shall~~ be on the Official Florida Transportation Map. Community wayfinding guide signs for either an incorporated or unincorporated area not appearing on the Official Florida Transportation Map are eligible to participate with upon written acceptance of full responsibility by request of the local government. Such requests shall follow the process outlined in subsection 14-51.041(2), F.A.C.

(5) Existing community wayfinding guide signs that were installed on the state highway system prior to March 31, 2006, as part of the local governments approved wayfinding guide sign system shall be allowed to remain or be replaced until the local governments approves a new community wayfinding guide sign system designed in accordance with this rule January 1, 2013. As of that date, all existing wayfinding signs that are on the State highway System, and which are not in compliance with this rule chapter, must be removed or be brought into compliance.

(6) Community wayfinding guide signs shall be limited to non-limited access facilities. Community wayfinding guide signs shall not be allowed within the right of way of limited access facilities, including ramps and frontage roads.

(7) Community wayfinding guide signs shall be designed, installed, and maintained in accordance with the standards referenced in subsections 14-51.014(7) and (8), F.A.C.

(8) The planning, design, installation, and maintenance of all community wayfinding guide signs and their assemblies ~~are~~ is the responsibility of the local government, including those on the state highway system.

(9) Community wayfinding guide signs shall not be used to provide direction to primary destinations or to highway routes or streets. Destination or other guide signs shall be used for this purpose, as described in Chapter 2D of the MUTCD, and shall have priority over any community wayfinding guide sign.

(10) Community wayfinding guide signs shall not be mounted overhead.

(11)~~(9)~~ The local government shall submit their community wayfinding guide sign system plan to the appropriate District Traffic Operations Office to initiate the Department's permit system process.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 5-8-06, Amended \_\_\_\_\_.

14-51.052 Design.

(1) Red, yellow, orange, purple, or the fluorescent versions thereof, fluorescent yellow-green, or fluorescent pink shall not be used as background colors for community wayfinding guide signs, in order to minimize confusion with critical, higher-priority regulatory, warning, construction, or incident management sign color meanings readily understood by road users signs.

(2) Background colors, other than those stated in subsection ~~14-51.052(1), F.A.C.,~~ shall be allowed on community wayfinding guide signs.

(3) A minimum contrast value of legend color to background color for community wayfinding guide signs shall be at least of 70 percent is required for community wayfinding guide signs (ADA minimum contrast value).

(4) Enhancement markers may be used, at the option of the applicant, as a means of visually aesthetically identifying the sign as a part of an overall system of community wayfinding guide signs. The size and ~~shapes~~ shape of identification an enhancement markers marker shall be smaller than the community wayfinding guide signs themselves. Identification enhancement markers shall not be designed to have an appearance that could be mistaken by road users as being a in order to avoid confusion with traffic control device devices.

(5) The area of an identification enhancement marker should not exceed 1/5 the area of the community wayfinding guide sign with which it is mounted in the same sign assembly.

(6)~~(5)~~ A pictograph designed appropriately for use on traffic control devices may be incorporated into the overall design of a community wayfinding guide sign. If a pictograph is used, its height shall not exceed two times the height of the upper-case letters of the principal legend on the sign.

(7) Except for pictographs, symbols that are not approved in the MUTCD for use on guide signs shall not be used on community wayfinding guide signs.

(8)~~(6)~~ There shall be a maximum of four three destinations shown on each community wayfinding guide sign.

(9)~~(7)~~ All lettering used on community wayfinding guide signs on the state highway system shall be highway gothic fonts or other FHWA approved fonts. A lettering style other than the Standard Alphabets provided in the Standard Highway Signs and Markings book may be used on community wayfinding guide signs if an engineering study submitted by the local government and approved by the

Department, determines that the legibility and recognition values for the chosen lettering style meet or exceed the values for the Standard Alphabets for the same legend height and stroke width.

(10)(8) The minimum specific ratio of letter height to legibility distance shall comply with provisions of Section 2A.14 of the MUTCD lettering size. The size lettering used for destination and directional legends on community wayfinding guide signs shall comply with the provisions of minimum letter heights as provided within be in accordance with Section 2D.06 of the MUTCD.

(11) The lettering for destinations on community wayfinding guide signs shall be a combination of lower-case letters with initial upper-case letters. All other word messages on community wayfinding guide signs shall be in all upper-case letters.

(12) Except for signs that are intended to be viewed only by pedestrians, bicyclists stopped out of the flow of traffic, or occupants of parked vehicles, Internet and e-mail addresses, including domain names and uniform resource locators (URL), shall not be displayed on any community wayfinding guide sign or sign assembly.

(13)(9) The arrows location and priority order of destinations shall follow the provisions described in shown on Wayfinding Signs shall be designed in accordance with Section 2D.08 and Section 2D.34 of the MUTCD. The positioning of arrows relative to the destinations shown shall be in accordance with Section 2D.34 of the MUTCD.

(14)(10) Community wayfinding guide and pedestrian signs and their supporting structures shall be designed, constructed, and installed to meet the Department's clear zone and safety criteria, including breakaway features. The design shall be signed and sealed by a Professional Engineer registered in the State of Florida.

(15)(11) All messages, borders, legends, and backgrounds of community wayfinding guide signs and any enhancement markers sign panels shall be retroreflective and in accordance with Section 994 (Retroreflective and Nonreflective Sign Sheeting) of the current Standard Specifications for Road and Bridge Construction 2004, referenced in subsection 14-51.014(8), F.A.C.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 5-8-06, Amended \_\_\_\_\_.

#### 14-51.053 Pedestrian Wayfinding Signs.

(1) Pedestrian wayfinding signs that are designed as a part of a community wayfinding guide sign system plan are intended to provide direction to pedestrians or other users of a sidewalk or other roadside area and should be located to minimize their conspicuity to vehicular traffic. If used, such signs should be located as far as practical from the street, such as at the far edge of the sidewalk. Where locating such signs farther from the roadway not practical, the pedestrian

wayfinding signs should have their conspicuity to vehicular traffic minimized by employing one or a combination of the following methods:

(a) Locating signs away from intersections where high-priority traffic control devices are present.

(b) Facing the pedestrian message toward the sidewalk and away from the street.

(c) Cantilevering the sign over the sidewalk if the pedestrian wayfinding sign is mounted at a height consistent with vehicular traffic signs, removing the pedestrian wayfinding signs from the line of sight in a sequence of vehicular signs.

(2) To minimize their conspicuity to vehicular traffic during nighttime conditions, pedestrian wayfinding signs should not be retro-reflective.

Rulemaking Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New \_\_\_\_\_.

#### 14-51.054 Informational Guide Signs.

(1) At the boundaries of the geographical area within which community wayfinding guide signing is used, an informational guide sign may be posted to inform road users about the presence of community wayfinding guide signs and to identify the meanings of the various color codes or pictographs that are being used.

(2) This informational guide signs shall have a white legend and border on a green background and shall have a design similar to that illustrated in Section 2D.03 of the MUTCD and shall be consistent with the basic design principles for guide signs. These informational guide signs shall not be installed on limited access facilities.

(3) The color coding or a pictograph of the identification enhancement markers of the community wayfinding guide signing system shall be included on the informational guide sign posted at the boundary of the community wayfinding guide signing area. The color coding or pictographs shall apply to a specific identifiable neighborhood or geographical subarea within the overall area covered by the community wayfinding guide sign. Color coding or pictographs shall not be used to distinguish between different types of destinations that are within the same designated neighborhood or subarea. The color coding shall be accomplished by the use of different colored squares or rectangular panels on the face of the informational guide sign, each positioned to the left of the neighborhood or named geographic area to which the color-coding panel applies. The height of the colored square or rectangular panels shall not exceed two times the height of the upper-case letters of the principal legend of the sign.

(4) The different colored square or rectangular panels may include either a black or a white (whichever provides the better contrast with the color of the panel) letter, numeral, or other appropriate designation to identify the destination.

(5) Color-coded community wayfinding guide signs may be used with or without the boundary informational guide sign displaying corresponding color-coding panels described in this subsection.

Rulemaking Authority 316.0745 FS. Law Implemented 316.0745 FS. History–New \_\_\_\_\_.

## PART VI TOURIST-ORIENTED DIRECTIONAL SIGNS (TODS)

### 14-51.061 ~~TODS~~ Program Implementation.

(1) Part VI of this rule ~~chapter~~ provides eligible ~~to~~ local governments with the criteria for Tourist-Oriented Directional Signs (TODS) and guidance for the installation of TODS on non-limited access facilities on the State Highway System (SHS) in accordance with the MUTCD.

(2) Prior to the installation of a TODS ~~on the SHS~~, the Department must approve, by permit, the design, location, and placement ~~for TODS~~ based on the criteria established in this rule ~~chapter~~.

(3) Prior to requesting a permit to install ~~for~~ TODS on the state highway system SHS, a local government shall have established, by ordinance, criteria for TODS program eligibility including participant qualifications and location regulations.

Rulemaking Specific Authority 479.262 FS. Law Implemented 479.262 FS. History–New 6-24-08, Amended \_\_\_\_\_.

### 14-51.062 General Criteria ~~for TODS on the SHS~~.

(1) Development of a Participation in TODS program on the SHS is limited to rural tourist-oriented businesses, services, and activities, including those involving seasonal agricultural products, that:

(a) ~~Are physically located in rural counties meeting the Rural Economic Development Initiative (REDI) criteria and population as referenced in Section 288.0656, F.S.; and~~

(b) ~~Have obtained a TODS permit from their local government.~~

(2) To qualify as a TODS destination ~~on the SHS~~, the tourist-oriented businesses, services, or activities shall meet the following minimum conditions:

(a) The major portion (51%) of income or visitors during the normal business season shall be from tourists users not residing within in the area (distance greater than 20 miles) of the destination. A business shall not qualify if admission or access is based on a membership fee or other means of exclusive admission, or where minors are excluded.

(b) All state and local building and occupational permits, licensing, and registrations shall be current and in good standing.

Rulemaking Specific Authority 479.262 FS. Law Implemented 479.262 FS. History–New 6-24-08, Amended \_\_\_\_\_.

### 14-51.063 ~~TODS~~ Location and Placement.

(1) TODS may be installed on the state highway system SHS only after permitted by permit issuance ~~by~~ the Department.

(a) TODS ~~on the SHS~~ shall not be permitted by the Department if they interfere with the effectiveness of other traffic control devices.

(b) TODS shall only be permitted ~~on the SHS~~ at the nearest intersection providing the most direct practical route to the eligible facility. An additional sign may be approved at the closest state road SHS intersection with a roadway on the Strategic Intermodal System (SIS) when the nearest state road SHS intersection is not on an SIS facility.

(c) Each destination is limited to one sign panel in each direction of travel on the state highway system SHS.

(d) The maximum distance from the business to where a TODS may be placed on the state highway system SHS shall be 25 miles.

(e) If a facility with state road frontage is more than 10 miles from the nearest state highway system SHS intersection suitable for TODS installation, the jurisdiction with TODS authority may apply for a permit to sign for this facility with a “ONE MILE” advanced TODS sign ~~on the SHS~~. This is the only instance an advanced sign may be permitted on the state highway system SHS.

(2) TODS ~~on the SHS~~ shall be limited to placement on rural conventional roads, as stated in the MUTCD. TODS shall not be placed within the right of way of limited access facilities. TODS shall not be located in the right of way of a limited access facility ~~an expressway or freeway interchange~~ regardless of jurisdiction or local road classification.

(3) The location of other official traffic control devices shall take precedence over the location of TODS. TODS shall have standard spacing with other traffic control devices shown in Table 1 2, ~~subsection 14-51.014(7), F.A.C.~~

(4) The Department will remove without notice, and with no obligation to relocate the sign or compensate for its removal, any TODS on the state highway system SHS for highway safety or operational purposes or activities including construction, reconstruction, or maintenance, ~~or safety~~.

Rulemaking Specific Authority 479.262 FS. Law Implemented 479.262 FS. History–New 6-24-08, Amended \_\_\_\_\_.

### 14-51.064 Trailblazers.

(1) In accordance with Rule 14-51.012, F.A.C., trailblazers shall be required if a motorist must navigate one or more turns to get from a local road intersection to the destination. All trailblazers required for guidance to a destination shall be in place on the local road system prior to installation of the TODS on the state highway system SHS.

(2) TODS and trailblazers, on either the state or local road system, shall may not be permitted within the boundaries of a community wWayfinding guide sSign sSystem pPlan.

Removal of TODS within the boundaries of a proposed community wWayfinding guide sSign sSystem pPlan is a mandatory condition of community wWayfinding guide sSign permit approval.

Rulemaking Specific Authority 479.262 FS. Law Implemented 479.262 FS. History–New 6-24-08, Amended \_\_\_\_\_.

14-51.065 Design.

(1) The planning, design, installation, and maintenance of TODS and their supporting structures are the responsibility of the local government and must conform to the criteria in subsection 14-51.014(8), F.A.C., Design Standard Index 17354 and the applicable sections of the MUTCD.

(2) If different supporting structures are proposed for use on the state highway system SHS, they shall be designed, constructed, and installed to meet the Department’s clear zone and safety criteria, including breakaway features. The design shall be signed and sealed by a Professional Engineer registered in the State of Florida.

(3) TODS assemblies shall have a maximum of five panels on two posts. TODS assemblies that are designed for a single post shall have a maximum of two panels. ~~The sSign~~ panels shall be rectangular in shape and have white lettering on a blue background. The optional top panel may have the text “TOURIST ACTIVITIES” and a pictograph that identifies the TODS program jurisdiction. The other four panels are reserved for qualifying destinations. The panel legend is limited to one destination identification, a pictograph or in its place a cultural, recreational, or general service symbol, the directional arrow, and destination distance. There is a maximum of two lines of legend per destination panel.

(4) General service, recreational, and cultural interest symbols may not be added as individual auxiliary sign panels to the TODS assembly, but may be contained in the individual panel with the business identification text, in the place of a pictograph. No other type of sign or legend may be added to a TODS assembly.

(5) After proper notice to the local government, the Department will remove any non-conforming panel.

(6) If a destination qualifies for a business logo under Rule Chapter 14-85, F.A.C., it shall not be displayed on an existing TODS, even where it cannot be accommodated by the LOGO sign program. TODS may not be used to trailblaze for LOGO participants.

Rulemaking Specific Authority 316.0745, 479.262 FS. Law Implemented 316.0745, 479.262 FS. History–New 6-24-08, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mark C. Wilson, State Traffic Operations Engineer  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.313  
RULE TITLE: Inmate Discipline – Forms  
PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify form references.

SUMMARY: The proposed rule: updates the title of Form DC6-256, Housing Officers Contact Card; clarifies the language of Form DC6-112B, Witness Disposition; and removes obsolete reference to the Office of Research, Planning, and Support Services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) DC6-112E, Disciplinary Hearing Worksheet, effective ~~date~~ 3-22-05.

(b) DC6-112A, Disciplinary Investigative Report, effective ~~date~~ 5-21-00.

(c) DC6-256, Housing Officers Contact Card, effective ~~date~~ 2-11-01.

(d) DC6-112D, 24 Hour/Refusal to Appear Waiver Form, effective ~~date~~ 5-21-00.

(e) DC6-112C, Witness Statement Form, effective ~~date~~ 8-28-06.

(f) DC6-112F, Disciplinary Report Worksheet, effective ~~date~~ 7-11-06.

(g) DC6-151, Documentary or Physical Evidence Disposition, effective ~~date~~ 3-22-05.

(h) DC6-112B, Witness Disposition Form, effective ~~date~~ 5-21-00.

(i) DC6-117, Corrective Consultation of Inmate, effective ~~date~~ 5-21-00.

(j) DC6-2028, Disposition of Videotape or Audiotape Evidence, effective ~~date~~ 3-22-05.

(2) Copies of these forms can be obtained from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, 3-22-05, 7-11-06, 8-28-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
George Sapp, Deputy Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-1.002	Delegation of Authority
40D-1.659	Forms and Instructions
40D-1.1002	Variations from Water Shortage Rules and Orders (Chapter 40D-21, F.A.C.)

PURPOSE AND EFFECT: This rulemaking is to adopt and incorporate by reference a Petition for Variance Form No. LEG-R.42.00-058(09/28/10) in Rule 40D-1.659, F.A.C., Forms and Instructions and in Rule 40D-1.1002, F.A.C. Variations from Water Shortage Rules. The Form will streamline processing of requests for relief from Chapters 40D-22 and 40D-21, F.A.C., and water shortage orders issued under Chapter 40D-21, F.A.C. This rulemaking also amends Rule 40D-1.002, F.A.C. to change the staff positions authorized to act on requests for a variance or waiver in order to reflect a recent realignment of the Demand Management Program that processes these requests.

SUMMARY: This rulemaking adopts Petition for Variance Form No. LEG-R.42.00-058(09/28/10) in Rule 40D-1.659, Forms and Instructions and in Rule 40D-1.1002, Variations from Water Shortage Rules. The Petition for Variance Form will streamline for the District and petitioners the processing of

requests for variances from Chapter 40D-21, F.A.C. and orders issued there under and Chapter 40D-22, F.A.C. The Form sets out in one place for petitioners the various circumstance and informational requirements for variances included in Section 120.542, F.S. Chapter 28-104, F.A.C., and District Rule 40D-1.1002, F.A.C. Pertinent information and examples of the information to be submitted, is also included. The Form establishes a format for petitioners to provide the information. Additionally, this rulemaking amends the Governing Board staff delegations to reflect the staff positions that are authorized to act on requests for variances and waivers from relief Chapter 40D-21, F.A.C. and orders issued there under and Chapter 40D-22, F.A.C. The amendments to the staff delegations reflect the organizational realignment of the Demand Management Program that processes petitions for variances and waivers. Those positions include the Executive Director, the Deputy Executive Director for Resource Regulation, the Tampa Regulation Director and the demand Management Program Manager. The proposed amendments remove from the staff delegation action on petitions pursuant to Rule 40D-21.441, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Statement of Estimated Regulatory Costs (SERC) describes the potential impacts associated with proposed revisions to Chapter 40D-1, F.A.C. The revisions to the Chapter: 1 analyzed in the SERC are 1) amendment to the list of staff positions to which the authority to take final agency action on petitions for variances and waivers is delegated by the Governing Board, 2) amendments to set forth a process for individuals seeking a variance from Chapter 40D-21, F.A.C., orders issued pursuant thereto and 3) incorporation by reference of Form No. LEG-R.42.00-058 (9/28/10) Petition for Variance, for users requesting a variance from the provisions of Chapter 40D-21, F.A.C., and orders issued pursuant thereto.

All individuals and entities who petition the District for a variance from Chapter 40D-21, F.A.C., or orders issued thereto, will be required to submit the Petition for Variance form. The information required in the form is consistent with what is currently required by rule. It is anticipated that the use of the standardized form will reduce the number and scope of District requests for additional information from the petitioner and allow the District to expedite actions to grant or otherwise deny the variance. The proposed revisions are not anticipated to incur additional transactional costs to individuals or entities and may reduce them by reducing the number of requests for additional information by the District. The proposed revisions are not anticipated to impose implementation or enforcement costs to the District or any other state or local government entity. The proposed revisions are not anticipated to have an adverse impact on small businesses, small counties or small cities.

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:** 120.54(5), 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.219, 373.309, 373.337 FS.

**LAW IMPLEMENTED:** 120.54(5), 253.002, 373.083, 373.103, , 373.116, 373.149, 373.171, 373.175, 373. 373.206, 373.207, 373.209, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.239, 373.246, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.427, 373.705, 373.707, 668.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Gifford, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4156) (OGC #2010012)

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.002 Delegation of Authority.

(1) No change.

(2) The Governing Board delegates to the Executive Director, the Deputy Executive Director for Resource Regulation, the Tampa Regulation Director, the Regulation Performance Management Director, the Regulation Program Director — WUP Program, and the Demand Management Program Manager Coordinator the authority to take final agency action on petitions for variances and waivers pursuant to Rules ~~40D-21.441~~, 40D-1.1002(5), and 40D-22.303, F.A.C.

(3) No change.

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History–New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09, 7-22-10,\_\_\_\_\_.

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.watermatters.org](http://www.watermatters.org).

(1) through (2) No change.

(3) Other

(a) through (d) No change.

(e) Petition For Variance, Form LEG-R.42.00-058 (09/28/10), incorporated by reference in subsections 40D-1.1002(1) and 40D-22.303, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented ~~373.083(3)~~, 373.116, ~~373.196(1)~~, ~~373.196(3)~~, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.705, 373.707, 668.50 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05(1) and (2), 10-19-05(5), 10-19-05(20), 2-6-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09, 1-27-10, 4-27-10,\_\_\_\_\_.

40D-1.1002 Variances from Water Shortage Rules and Orders. (Chapter 40D-21, F.A.C.)

(1) General – Users may request relief from the provisions of Chapter 40D-21, F.A.C., and orders issued pursuant thereto, by filing with the District a Petition For Variance, Form No. LEG-R.42.00-058(09/28/10), incorporated herein by reference and available upon request from the District a petition for variance with the District. Relief from provisions of a local government ordinance imposing more severe restrictions shall be by petition to such local government.

(2) through (5) No change.

Rulemaking Specific Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 373.175, 373.246 FS. History–New 11-19-84, Amended 7-2-86, Formerly 40D-21.291, Amended 7-2-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lois Sorenson, Demand Management Program Manager

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-4.091  
 RULE TITLE: Publications, Forms and Agreements Incorporated by Reference

PURPOSE AND EFFECT: Proposed rule amendment incorporates by reference a revised Environmental Resource Permitting Information Manual Part B, Basis of Review (BOR). Revisions are proposed to BOR Chapter 3, Sections 3.2 – 3.3.2.2. The purpose and effect of this rulemaking will be to clarify, update and correct certain provisions pertaining to mitigation of impacts to wetlands and other surface waters.

SUMMARY: Chapter 3 of the District’s Environmental Resource Permitting Manual Part B – Basis of Review (BOR) contains the environmental criteria used in evaluating an ERP application to determine whether conditions for permit

issuance are met, including mitigation criteria for impacts to wetlands and other surface waters. Proposed revisions to Chapter 3 will accomplish the following: 1) clarify the current exemption from mitigation in subsection 3.2.2.2 for alterations to wholly owned ponds less than one acre and constructed in uplands and upland cut ditches; 2) eliminate the apparent preference for on-site mitigation vs. off-site in subsection 3.3.1.2; 3) create a new subsection 3.3.1.2.1 to explain requirements for demonstrating sufficient ownership or control of off-site mitigation areas, to provide reasonable assurance of mitigation success; 4) revise sections 3.3.2 – 3.3.2.2 to clarify when the Uniform Mitigation Assessment Method (UMAM) supersedes ratio guidelines, when UMAM is applied and when it is not; 5) make several non-substantive technical corrections such as correcting rule references, improving sentence structure, etc.

Rule 40D-4.091, F.A.C., is amended to incorporate by reference the revised BOR and effective date.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** A SERC was prepared for this rulemaking. The revisions are not substantive and are needed to clarify existing provisions relating primarily to mitigation for unavoidable impacts to wetlands and other surface waters. Some minor technical changes are also being made for updating purposes. Based on prior permitting history, the District anticipates that, on average, 172 applicants per year will be seeking to undertake mitigation for impacts to wetlands or other surface waters and could potentially be affected by this rulemaking. The District expects that such permit applicants will not be adversely affected by the proposed amendments, as the amendments correct or clarify existing rule language. There are no anticipated negative impacts on state or local revenues. Proposed changes to on-site/off-site mitigation requirements, if anything, will increase the permittees' flexibility to choose the most cost-effective form of mitigation. Consequently, the proposed rule revisions are not anticipated to lead to increased transactional costs to new applicants or those seeking to revise existing Environmental Resource Permits.

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

**RULEMAKING AUTHORITY:** 373.044, 373.046, 373.113, 373.171, 373.414 FS.

**LAW IMPLEMENTED:** 373.0361, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Pam Gifford, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4156) (OGC #2010018)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

40D-4.091 Publications, Forms and Agreements Incorporated by Reference.

The following documents are hereby incorporated by reference and are applicable to this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, [effective date] ~~September 5, 2010~~. This document is available from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District upon request.

(2) through (6) No change.

Rulemaking Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-22-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08, 5-12-09, 5-17-09, 8-30-09, 11-2-09, 11-3-09, 12-9-09, 9-5-10,\_\_\_\_\_.

Environmental Resource Permitting Information Manual Part B – Basis of Review

3.2 Environmental Criteria.

Compliance with the conditions for issuance in subsection 3.1.1 will be determined through compliance with the criteria explained in subsections 3.2 through 3.3.8-6 of this **BOR Handbook**.

3.2.2 Fish, Wildlife, Listed Species and Their Habitats.

To meet the condition for issuance in Pursuant to paragraph 3.1.1(a), an applicant must provide reasonable assurance that a regulated activity will not impact the values of wetlands, other surface waters and other water related resources of the District, so as to cause adverse impacts to:

a. the abundance and diversity of fish, wildlife and listed species; and

b. the habitat of fish, wildlife and listed species.

In evaluating whether an applicant has provided such reasonable assurance under this subsection 3.2.2, ~~B.O.R.~~, the magnitude of the effect of the regulated activity shall be considered, and de minimis effects shall not be considered adverse.

As part of the assessment of the impacts of regulated activities upon fish and wildlife and their habitat, the District will provide a copy of all notices of application for standard

general and individual permits, including conceptual permits, which propose regulated activities in, on or over wetlands or other surface waters and which propose activities that have a potential to impact listed marine species to the Florida Fish and Wildlife Conservation Commission for review and comment. In addition, the District staff may solicit comments from the Florida Fish and Wildlife Conservation Commission regarding other applications to assist in the assessment of potential impacts to wildlife and their habitats, particularly with regard to listed wildlife species. ~~Where proposed activities have a potential to impact listed marine species, the District will provide a copy of the above-referenced types of applications to the Department of Environmental Protection.~~

The need for a wildlife survey will depend upon the likelihood that the site is used by listed species, considering site characteristics and the range and habitat needs of such species, and whether the proposed system will impact that use such that the criteria in subsections 3.2.2 through 3.2.2.3 and subsection 3.2.7 will not be met. Survey methodologies employed to inventory the site must provide reasonable assurance regarding the presence or absence of the subject listed species.

3.2.2.2 Alterations to wholly owned ponds that were constructed entirely in uplands and which are less than one acre in area and alterations to drainage ditches that were constructed in uplands will not be required to comply with the provisions of subsections 3.2.2 through 3.2.2.3, 3.2.3 through 3.2.3.7 and 3.2.5 through 3.3.8, unless those ponds or ditches provide significant habitat for threatened or endangered species. This means that, except in cases where those ponds or ditches provide significant habitat for threatened or endangered species, the only environmental criteria that will apply to those ponds or ditches are those included in subsections 3.2.2.4, and 3.2.4 through 3.2.4.5. ~~This provision shall only apply to those ponds and ditches which were constructed before a permit was required under Part IV, Chapter 373, F.S. or were constructed pursuant to a permit under Part IV, Chapter 373, F.S.~~ This provision does not apply to ditches constructed to divert natural stream flow or to ponds and ditches constructed in violation of rules authorized under Chapter 373, Part IV, F.S.

### 3.3 Mitigation.

3.3.1.2 Mitigation can be conducted on-site or off-site, or accomplished through the purchase of credits from a mitigation bank, or through a combination of approaches, as long as it sufficiently offsets anticipated adverse impacts to wetlands and other surface waters and meets all other criteria for permit issuance. ~~In general, mitigation is best accomplished when located on site or in close proximity to the area being impacted. Off-site mitigation is preferred when: will only be accepted if adverse impacts are offset and the applicant demonstrates that:-~~

a. on-site mitigation opportunities are not expected to have comparable long-term viability due to such factors as unsuitable hydrologic conditions or ecologically incompatible existing adjacent land uses or future land uses identified in a local comprehensive plan adopted according to Chapter 163, F.S.; or

b. off-site mitigation will ~~would~~ provide greater improvement in ecological value than on-site mitigation.

One example of a project ~~that would be~~ expected to benefit from off-site mitigation ~~meet the criteria of paragraph (a) or (b) above~~ is a linear project which cannot effectively implement on-site mitigation due to right-of-way constraints.

3.3.1.2.1 Off-site Mitigation – An applicant proposing an off-site location at which to mitigate adverse impacts to wetlands and other surface waters must provide reasonable assurance that the permitted mitigation activities will be conducted by an entity with the financial, legal and administrative capability of ensuring that the activities will be undertaken in accordance with the terms and conditions of the permit, if issued, pursuant to paragraph 40D-4.301(1)(j), F.A.C. Compliance with this requirement can be demonstrated by providing the District with a copy of one of the following: a deed conveying fee simple ownership of the mitigation area to the applicant; an easement in favor of the applicant that grants access to and use of the mitigation area for the activities required by the permit; or a purchase and sale agreement for an interest in the mitigation area sufficient to allow the applicant to comply with all permit conditions. If the applicant demonstrates compliance with this requirement by providing the District with a purchase and sale agreement, the permit, if issued, shall be conditioned to prohibit all construction until ownership is transferred to the permittee. If the transfer of ownership does not occur by the date specified in the permit or any extension approved by the District, the permit shall terminate. This provision does not apply if the applicant proposes to offset adverse impacts to wetlands or other surface waters through the purchase of credits from a mitigation bank, or participation in regional off-site mitigation pursuant to Section 373.4135, F.S., and does not apply to the Florida Department of Transportation when mitigation is accomplished pursuant to Section 373.4137, F.S.

3.3.1.4 In instances where an applicant is unable to meet water quality standards because existing ambient water quality does not meet standards and the system will contribute to this existing condition, mitigation for water quality impacts can consist of water quality enhancement. In these cases, the applicant must implement mitigation measures that will cause net improvement of the water quality in the receiving waters for those parameters which do not meet standards. (See 373.414(1)(b)(46), F.S.)



3.3.1.8 Innovative mitigation proposals which deviate from the standard practices described in subsections 3.3 through 3.3.6 may be proposed by an applicant; however to receive District approval they must offset the adverse impacts to the functions identified in subsections 3.2 through 3.2.8.2. The donation of money is not considered to be an acceptable method of mitigation, unless cash payments are specified for use in a District or Department of Environmental Protection endorsed environmental, preservation, enhancement or restoration project, and the payments initiate a project or supplement an ongoing project. The project or portion of the project funded by the donation of money must offset the impacts of the proposed system.

### 3.3.2 Mitigation Ratio Guidelines.

a. The Uniform Mitigation Assessment Method (UMAM) set forth in Chapter 62-345, F.A.C., establishes a standardized procedure for assessing the functions provided by wetlands and other surface waters, the amount that those functions are reduced by a proposed impact, and the amount of mitigation necessary to offset that loss, for those activities subject to review under Section 373.414, F.S., and not excluded pursuant to subsection 62-345.100(3), F.A.C. This method does not assess whether other criteria for permit issuance are met. Where applicable, the UMAM supersedes the ratios established in subsections 3.3.2 through 3.3.2.3 used for determining the amount of mitigation required to offset an adverse impact.

b. The District will verify the information required to be provided and considered under the UMAM and will determine the amount of mitigation required to offset adverse impacts to wetlands and other surface waters.

c. Chapter 62-345, F.A.C., also establishes the criteria to award and deduct mitigation bank or regional offsite mitigation area credits. For permit applications for mitigation banks or regional offsite mitigation areas that are issued by the District, the District will be responsible for verifying the information and applying the UMAM to determine the potential amount of mitigation to be provided by the bank or regional offsite mitigation area and the number of credits to be required as mitigation for specific projects permitted by the District that will use the mitigation bank or regional offsite mitigation area to offset adverse impacts to wetlands or other surface waters.

a. ~~Except as provided in Rule 62-345, F.A.C., subsections 3.3.2 through 3.3.2.3 are superseded by Rule 62-345, F.A.C.~~

~~d.~~ Subsections 3.3.2 through 3.3.2.2 establish ratios for the acreage of mitigation required compared to the acreage which is adversely impacted by regulated activities and are applicable as provided in Rule 62-345, F.A.C. Ranges of ratios are provided below for certain specific types of mitigation, including creation, restoration, enhancement and preservation. These ranges will be used to assess impacts and mitigation requirements in those instances where UMAM is not applicable. The difference between the ranges of ratios

provided for mitigation types is based on the degree of improvement in ecological value expected from each type. Creation and restoration are assigned the lowest range of ratios as these activities, when successfully conducted, add new wetlands or other surface waters which provide the same or similar functions as the areas adversely impacted. The range of ratios established for enhancement is higher than that for creation and restoration, as the area being enhanced currently provides a degree of the desired functions, and this type of mitigation serves to increase, rather than create, those functions.

e. Preservation differs from the other types of mitigation in that it does not serve to improve the existing ecological value of an area in the short term. However, preservation does provide benefits as it can ensure that the values of the preserved area are protected and maintained in the long term, particularly when these values are not fully protected under existing regulatory programs. Therefore, the range of ratios established for preservation is higher than those for other types of mitigation.

f. These ratios are provided as guidelines for preliminary planning purposes only. The actual ratio needed to offset adverse impacts may be higher or lower based on a consideration of the factors listed in subsections 3.3.2.1 and 3.3.2.2. For example, in instances where the proposed system results in only a small loss of ecological value in the impacted area, such as cases involving impacts to areas of low ecological value or cases where the proposed system results in a small reduction of ecological value of the impacted area, then the actual mitigation ratio would normally be in the lower end of or below the range. For other types of mitigation, ratios will be determined based upon the reduction in quality and relative value of the functions of the areas adversely impacted as compared to the expected improvement in quality and value of the functions of the mitigation area.

#### 3.3.2.1 Creation, Restoration and Enhancement.

When considering creation, restoration and enhancement as mitigation, the following factors will be considered to determine whether the mitigation will offset the proposed impacts and to determine the appropriate mitigation ratio:

a. through f. No change.

g. Wetlands reclamation activities for phosphate and heavy minerals mining undertaken pursuant to Chapter 378, F.S., shall be considered appropriate mitigation for this part if they maintain or improve the water quality and the function of the biological systems present at the site prior to the commencement of mining activities.

#### 3.3.2.2 Preservation

a. Preservation of important ecosystems can provide an improved level of protection over current regulatory programs. Wetlands, other surface waters, or uplands that comprise important ecosystems ~~Preservation~~ shall be preserved by donation of the fee title to the property or a; conservation

easement ~~interest in the property or other comparable land use restriction, of wetlands, other surface waters, or uplands.~~ Conservation easements ~~or restrictions~~ must be consistent with the requirements of subsection 3.3.8. In many cases it is not expected that preservation alone will be sufficient to offset adverse impacts. Preservation will most frequently be approved in combination with other mitigation measures.

Appendix 4. Mitigation Banks

b. through d. No change.

3. Use of a Mitigation Bank.

Use of a mitigation bank is an appropriate and permissible mitigation option when the mitigation bank will offset the adverse impacts of the project and meet all other criteria for permit issuance. Some examples of when the use of a mitigation bank may be preferred include: ~~and~~

a. on-site mitigation opportunities are not expected to have comparable long-term viability due to such factors as unsuitable hydrologic conditions or ecologically incompatible existing adjacent land uses or future land uses identified in a local comprehensive plan adopted according to Chapter 163, F.S.; and ~~or~~

b. use of the mitigation bank would provide greater improvement in ecological value than on-site mitigation.

In some cases, a combination of on-site mitigation and participation in a mitigation bank will be appropriate to offset adverse impacts of a project.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Clark Hull, ERP Program Director

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-22.101	Definitions
40D-22.201	Year-Round Water Conservation Measures
40D-22.303	Variations and Waivers

PURPOSE AND EFFECT: Minor changes are proposed to enhance the effectiveness of Chapter 40D-22, F.A.C. Year-round Conservation Measures and consistency with Chapter 40D-21, F.A.C., Water Shortage Plan. The proposed amendments include adding or clarifying definitions for consistency between Chapters, clarifying allowable times for Spot Treatment, adding a schedule for plant establishment irrigation for large properties and allowing extra irrigation for salt flushing after tropical storms or hurricanes. This rulemaking also makes examples of circumstances for which a

variance or waiver may be appropriate applicable only to variances, sets forth additional examples of circumstances warranting a variance and incorporates a new form, Petition for Variance Form No. LEG-R.42.00-0589 (9/28/10) required to be submitted in order to request a variance. The form will streamline processing of requests for variances from Chapter 40D-22, F.A.C.

SUMMARY: Chapter 40D-22, F.A.C. comprises the District’s Year-Round Conservation Measures and promotes long-term sustainability of the water resources of the District through efficient use of water by regulatory means during times when no water shortage has been declared. This rulemaking revises or adds definitions to make Chapter 40D-21, F.A.C. (Water Shortage Plan) and Chapter 40D-22, F.A.C. (Year-Round Conservation Measures) consistent. The rulemaking revises the definition of “Address” and “Agriculture” and adds a definition for the lawn and landscape practice of Core Aerification. Amendments are also made to specify that Spot Treatment of lawns shall only be accomplished during allowable hours for irrigation, provide for an allowance for extra watering of Turfgrass for a 14-day period after Core Aerification has occurred, add an establishment period schedule for irrigation of properties without discernable addresses, cemeteries and properties two acres or greater in size, and allow for extra irrigation for salt flushing after tropical storms or hurricanes. This rulemaking also incorporates a new Petition for Variance form No. LEG-R.42.00-058 (9/28/10) that will be used for requests for relief from Chapters 40D-21 and 40D-22, F.A.C., and Water Shortage Orders rendered under Chapter 40D-21, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Statement of Estimated Regulatory Costs (SERC) describes the potential impacts associated with proposed revisions to Chapter 40D-22, F.A.C. The Chapter comprises the District’s Year-Round Water Conservation Measures. The Chapter applies to all water users engaged in irrigation. The revisions to the chapter are proposed to address minor glitches, omissions and consistency of definitions with Chapter 40D-21, F.A.C., the District’s Water Shortage Plan, and to incorporate a standardized form to be used for petitions for variances. If historical activity levels persist, it is anticipated that approximately 70 individuals or entities each year will elect to file a petition for a variance and so will be required to submit petitions for variance using the standardized form. The proposed Petition for Variance form includes a section “Helpful Tips and Samples” that includes a provision explaining that the District is authorized to establish limiting conditions for variances issued from Chapter 40D-22, F.A.C., in order to assure that the relief being provided is the minimum necessary to alleviate the circumstances for which the variance was requested. An example of such a condition is that if the variance is granted, the petitioner is to conduct an irrigation system evaluation in order to identify inefficiencies within the irrigation system such as inoperable sprinkler heads,

time clock adjustments, over-irrigation or overlapping irrigation zones. These evaluations can be performed by the petitioner or by an irrigation contractor. Costs to have an irrigation evaluation performed by an irrigation contractor are likely to range from \$125 to \$1,500 depending on the size and complexity of the irrigation system. Self-conducted evaluations are likely to be less costly than evaluations conducted by a contractor. The costs of testing, adjusting, and replacing components causing inefficiencies may be offset by reduced water costs. Small businesses issued a variance from provisions of Chapter 40D-22, F.A.C., may incur the cost of irrigation system evaluations if the limiting condition is placed on the variance issued by the District. Implementation costs may be incurred by those local government entities that have adopted, by ordinance, specific provisions of Chapter 40D-22, F.A.C., that are in conflict or otherwise inconsistent with the proposed revisions to the Chapter. Small businesses, cities and counties may incur transactional costs associated with irrigation evaluations if they request variances. The proposed revisions are not expected to incur costs to the District or significantly affect the revenues of any state or local government entities.

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: 120.542, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.542, 373.119, 373.171, 373.175(4), 373.219, 373.223, 373.246(7), 373.62, 373.609 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Gifford, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4156) (OGC #2010039)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-22.101 Definitions.

When used in this rule:

(1) "Address" means the numeric or alphanumeric designation assigned to a house, building or plot of land by the U.S. Postal Service or, if none, by the local government, "house" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. If a lot number in a mobile home park or similar residential community is not used by the U.S.

Postal Service (e.g., the park manager sorts incoming mail delivered to the community's address), then the community's main address shall be the property's address, unless otherwise designated by the local government.

(2) "Agriculture" means the science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, zoological and botanical specimen exhibits, viticulture, forestry, dairy, livestock, pasture, poultry, bees, and any and all forms of farm products and farm production. This includes the irrigation of vegetables, fruits and other plants grown for human consumption at a residence or community garden, provided the plants are irrigated separately from any lawn or other landscape plant material. In order for irrigation of a fruit tree at a residence or community garden to be considered Agriculture, the irrigation shall not be applied to any Lawn or Landscape plant material. Plant nurseries and Turfgrass production (sod farming) are agriculture. ~~The however, the~~ care of new or Existing Lawns, non-edible Landscapes, Cemeteries, Golf Courses and Athletic Play Areas are not classified as Agriculture for the purpose of this chapter.

(3) through (4) No change.

(5) "Core Aerification" means the process of mechanically removing cores or plugs of soil to relieve soil compaction and allowing oxygen, water and nutrients to enter the ground.

(5) through (30) renumbered (6) through (31) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.219, 373.223 FS. History--New 3-24-92, Amended 9-15-03, \_\_\_\_\_.

40D-22.201 Year-Round Water Conservation Measures.

(1) through (2) No change.

(3) Irrigation Uses – The following requirements shall apply to all Irrigation except Agriculture, for example: Lawns, Landscapes, Golf Courses, and other Athletic Play Areas.

(a) through (d) No change.

(e) Lawns may be Spot Treated without regard to the normally allowable watering days ~~or times~~. Lawns may only be Spot Treated by Hand-Watering or other targeted, manual means. Spot Treatment shall only be accomplished during allowable irrigation hours.

(f) In order to promote necessary rhizome repair, extra watering of turfgrass may occur on any day of the week for a 14-day period after Core Aerification or Vertical Mowing has occurred. An entire zone of an Irrigation system, may only be used for extra rhizome repair watering if the zone in question is for an area that contains at least 50% Turfgrass recovering from Core Aerification or Vertical Mowing. If a zone contains less than 50% recovering Turfgrass, or if the recovering Turfgrass area is typically not watered by an Irrigation system, only the recovering Turfgrass is eligible for this 14-day

exemption. Targeted watering may be accomplished by Hand Watering, or any appropriate method which isolates and waters only the recovering Turfgrass.

(g) New Plant Material shall only be irrigated as follows:

1. Any New Plant Material may be irrigated, for the purpose of maintaining plant health and encouraging root grow-in, during a 60-day establishment period. From day 1 through day 30 of this establishment period, irrigation may occur on any day of the week. From day 31 through day 60 of this establishment period, irrigation is limited to one application on each of three specified days, except as otherwise provided herein. The three allowable days shall be as follows: Even Numbered Addresses may provide establishment period irrigation on Tuesday, Thursday and Sunday and Odd Numbered Addresses may provide establishment period irrigation on Monday, Wednesday and Saturday. Cemeteries and other properties two acres or greater are permitted to use an alternative schedule to provide three days of establishment irrigation per week from day 31 through day 60 so long as a written schedule of establishment period watering is maintained at the property. From day 31 through day 60, properties with no discernable address, such as common areas and rights of way, are permitted to provide establishment period irrigation on Tuesday, Friday and Sunday.

2. through 7. No change.

(h) through (j) No change.

(k) One extra irrigation application may occur within 72 hours of the conclusion of a named tropical storm or hurricane warning, if needed, to flush salt from plant material that was inundated or subjected to spray from saltwater or brackish water.

(4) through (7) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.219, 373.223, 373.62 FS. History—New 3-24-92, Amended 9-15-03, 11-05-09,\_\_\_\_\_.

40D-22.303 Variances and Waivers.

(1) Users may request relief from the provisions of this Chapter 40D-22, F.A.C., by filing an application using the form entitled Petition For Variance LEG 42.00-058(09/28/10), incorporated herein by reference and available upon request to the District and at WaterMatters.org, or by filing a petition for variance or waiver, as applicable, pursuant to Section 120.542, F.S., and Chapter 28-104, F.A.C. Examples of circumstances, which, subject to the above referenced statute and rule and the provisions below, may be candidates for the issuance of a variance ~~or waiver~~ are:

(a) through (d) No change.

(e) Properties which, due to the amount of irrigated acreage in relation to the irrigation system configuration, cannot irrigate all zones in accordance with the watering days provided in paragraphs 40D-22.201(4)(a)-(d), F.A.C.

(f) A local government or other entity that desires to offer an alternative irrigation program in accordance with Section 373.62(7), F.S.

(2) through (4) No change.

Rulemaking Specific Authority 120.542, 373.044, 373.113, 373.171 FS. Law Implemented 120.542, 373.119, 373.171, 373.175(4), 373.246(7), 373.609 FS. History—New 9-15-03, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lois Sorensen, Demand Management Program Manager

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.002  
 RULE TITLE: Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: The amendment to Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, January 1, 2010. The amendment to Rule 59G-4.002, F.A.C., will permit the Agency to implement revisions to the Florida Medicaid Provider Reimbursement Schedule.

SUMMARY: The reimbursement schedule contains the procedure codes and maximum fees that are effective January 1, 2010 for the following providers whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, registered nurse first assistant, and visual.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Tuesday, November 9, 2010, 10:30 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

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: Ouida Mazzoccoli at the Bureau of Medicaid Services, (850)412-4225. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)412-4225, e-mail: ouida.mazzoccoli@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.002 Medicaid Provider Reimbursement Schedule.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 1, 2010 ~~March 2009~~, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, ~~independent laboratory~~, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, ~~portable x-ray~~, registered nurse first assistant, and visual. The Florida Medicaid Provider Reimbursement Schedule is available from the Medicaid fiscal agent's Web ~~site Portal~~ at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies of the reimbursement schedule may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.908, 409.912, 409.913 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ouida Mazzoccoli

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE NO.: 60A-1.012  
 RULE TITLE: Purchasing Categories and Adjustments Thereto

PURPOSE AND EFFECT: To repeal Rule 60A-1.012, Florida Administrative Code consistent with law change in Chapter 2010-151, Laws of Florida.

SUMMARY: Section 287.017(2), Florida Statutes, was deleted by the Legislature in Chapter 2010-151, Laws of Florida. As such, the department has no Legislative authority to adjust the purchasing category threshold amounts as described in the rule.  
 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: 287.042(3), 287.042(12) FS.

LAW IMPLEMENTED: Chapter 2010-151, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: KAREN ARMSTRONG, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, Karen.armstrong@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.012 Purchasing Categories and Adjustments Thereto.

Rulemaking Specific Authority 287.042(3), 287.042(12) FS. Law Implemented 287.017 FS. History—New 7-26-04, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Armstrong

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary, Linda H. South, DMS

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2010

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH****Division of Medical Quality Assurance**

RULE NO.: 64B-7.002  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The department determined the need to adopt a rule setting forth disciplinary guidelines for registered pain-management clinics.

SUMMARY: This rule comprehensively describes all facets of how discipline shall be imposed including the consideration of mitigating and aggravating factors and the effect of settlements. This rule also lists the penalties for 39 possible offenses, which generally includes the range that may be used for a first and a subsequent offense.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 456.079, 458.3265, 459.0137 FS.

LAW IMPLEMENTED: 456.072(1)(2), 458.3265(1)(5), 458.327, 458.331, 459.0137(1)(5), 459.013, 459.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-7.002 Disciplinary Guidelines.

(1) In imposing discipline on a pain-management clinic, the department shall act in accordance with these disciplinary guidelines and shall impose a penalty within the range corresponding to the severity and repetition of the violations unless the department finds it necessary to deviate from the guidelines in accordance with this rule. Any and all offenses listed are sufficient grounds for the initial refusal of registration to an applicant. The department shall recover the costs of the investigation and prosecution of the case as well as imposing the appropriate penalty. In addition to any other penalty, if the violation includes proof of intentional fraud or fraudulent misrepresentation, the department shall impose a penalty of \$10,000 per count or offense. When the penalty is suspension, the period of suspension for the registration of the clinic shall not exceed one year.

(2) Violations and Range of Penalties:

(a) Failing to comply with any requirement of Chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention and Control Act; or Chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act. (Sections 458.3265(5)(a), 459.0137(5)(a), F.S.). First offense- a fine of up to \$5,000 per violation and six months probation to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 per violation and a minimum of one year suspension to revocation.

(b) Knowingly and intentionally misrepresenting actions taken to correct a violation. (Sections 458.3265(5)(c), 459.0137(5)(c), F.S.). First offense – a fine of up to \$5,000 and/or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(c) Concurrently operating an unregistered pain-management clinic. (Sections 458.3265(5)(d), 459.0137(5)(d), F.S.). First offense – a fine of \$5,000 per day. For a subsequent offense, a fine of \$5,000 per day and revocation.

(d) Failing to apply to register a clinic that requires registration upon change of ownership and operating the clinic under new ownership. (Sections 458.3265(5)(d), 459.0137(5)(d), F.S.). First offense – a fine of up to \$5,000. For a subsequent offense, a fine of \$5,000 and one year suspension or revocation.

(e) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice contrary to Chapter 458, 459, or the rules of the department or the appropriate board. (Section 456.072(1)(j), F.S.). First offense – a fine of \$5,000 and/or up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 per violation and revocation.

(f) Knowingly prescribing or dispensing, or causing to be prescribed or dispensed, controlled substances in a nonregistered pain-management clinic that is required to be registered with the department. (Sections 458.327(2)(f), 459.013(2)(d), F.S.). First offense – a fine of up to \$5,000 per day. For a subsequent offense, a fine of up to \$5,000 per day and up to one year suspension or revocation.

(g) Registering a pain-management clinic through misrepresentation, fraud, or by making a false or fraudulent representation. (Section 456.072(2)(d), F.S.). A fine of \$10,000 per count or offense and up to one year suspension or revocation.

(h) Being convicted of or pled guilty or nolo contendere to, regardless of adjudication, an offense that constitutes a felony for receipt of illicit and diverted drugs, including a controlled substance listed in Schedule I, II, III, IV, or V of s. 893.03, in this state, any other state, or the United States. (Sections 458.3265(1)(e), 459.0137(1)(e), F.S.). Revocation

unless more than ten years have passed since the conviction and the owner has received recognition from the Governor for providing extraordinary service to the state.

(i) Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonest, or deceit in any jurisdiction of the courts of the state, of any other state, or of the United States. (Sections 458.331(1)(oo)4., 459.015(1)(qq)4., F.S.). First offense, a fine of up to \$5,000 and up to one year suspension to revocation. For a subsequent offense, a fine of \$5,000 and one year of suspension or revocation.

(j) Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for any offense that would constitute a violation of Chapter 458 or Chapter 459, F.S. (Sections 458.331(1)(oo)5., 459.015(1)(qq)5., F.S.). First offense, a fine of up to \$5,000 and one year probation to revocation. For a subsequent offense, a fine of \$5,000 and from three months to one year suspension or revocation.

(k) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to the practice of, or the ability to practice, a licensed health care profession. (Sections 456.072(1)(c), 458.331(1)(oo)6., 459.015(1)(qq)6., F.S.). First offense, a fine of up to \$5,000 and up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(l) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to health care fraud. (Sections 456.072(1)(ll), 458.331(1)(oo)7., 459.015(1)(qq)7., F.S.). First offense, a fine of up to \$5,000 and up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(m) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program. (Section 456.072(1)(ii), F.S.). First offense, a fine of up to \$5,000 and one year suspension to revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(n) Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in Section 465.003(14) or Section 893.02, F.S., if the owner or holder of the registration knows or has reason to believe that the purported prescription is not based on a valid practitioner-patient relationship. (Sections 458.331(1)(oo)8., 459.015(1)(qq)8., F.S.). First offense, a fine of up to \$5,000 and from up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(o) Failing to timely notify the department of the date that the dispensing practitioner has terminated from a pain-management clinic as required by Section 458.3265(2) or 459.0137(2), F.S. (Sections 458.331(1)(oo)9., 459.015(1)(qq)9., F.S.). First offense, a fine of up to \$3,500 and from a reprimand to six months suspension. For a subsequent offense, a fine of up to \$5,000 and up to one year suspension or revocation.

(p) Failing to timely notify the department of the theft of prescription blanks from a pain-management clinic or a breach of other methods for prescribing within 24 hours as required by Section 458.3265(2) or 459.0137(2), F.S. (Sections 458.331(1)(pp), 459.015(1)(rr), F.S.). First offense, a fine of up to \$5,000 and from one year of probation to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(q) Promoting or advertising through any communication media the use, sale, or dispensing of any controlled substance appearing on any schedule in Chapter 893, F.S. (Sections 458.331(1)(qq), 459.015(1)(ss), F.S.). First offense, a fine of up to \$5,000 and a reprimand and six months to one year suspension. For a subsequent offense, a fine of up to \$5,000 and up to one year suspension or revocation.

(r) Making misleading, deceptive, or fraudulent representations in or related to the practice. (Section 456.072(1)(a), F.S.) First offense, a fine of \$10,000 and from a reprimand to one year suspension. For a subsequent offense, a fine of \$10,000 and one year suspension or revocation.

(s) Intentionally violating any rule adopted by the board or the department as appropriate. (Section 456.072(1)(b), F.S.) First offense, a fine of up to \$5,000 and from one year probation up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and up to one year suspension or revocation.

(t) Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including denial, by the licensing authority of any jurisdiction for what would be a violation under Florida law. (Section 456.072(1)(f), F.S.) First offense, a fine of up to \$5,000 and up to one year suspension or revocation considering what the penalty would have been had the offense occurred in Florida. For a subsequent offense, a fine of up to \$5,000 and up to one year suspension or revocation considering what the penalty would have been had the subsequent offense occurred in Florida.

(u) Attempting to obtain or obtaining the registration by bribery, by fraudulent misrepresentation, or through an error of the department or a board. (Section 456.072(1)(h), F.S.) First offense, a fine of up to \$5,000 and up to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(v) Failing to report to the department any person known to be in violation of Chapter 456, 458 or 459, or the rules of the department or board. (Section 456.072(1)(i), F.S.) First offense, a fine of up to \$3,000 and up to one year suspension. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(w) Failing to perform any statutory or legal obligation (Section 456.072(1)(k), F.S.). First offense, from a fine of up to \$5,000 and/or from a three month to one year suspension. For a subsequent offense, a fine of up to \$5,000 and from one year probation to one year suspension or revocation.

(x) Filing a false report (Section 456.072(1)(l), F.S.). First offense, a fine of up to \$5,000 and up to one year suspension. For a subsequent offense, a fine of \$5,000 and up to one year suspension or revocation.

(y) Making deceptive, untrue, or fraudulent representations or employing a trick or scheme related to the operation of the business (Section 456.072(1)(m), F.S.). First offense, a fine of up to \$5,000 and/or probation to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(z) Exercising influence on a patient or client for the purpose of financial gain of the clinic licensee or a third party. (Section 456.072(1)(n), F.S.). First offense, a fine of up to \$5,000 and from one year probation to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(aa) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities that the owner or designated physician know that the clinic employee is not competent to perform. (Section 456.072(1)(o), F.S.). First offense, a fine of up to \$5,000 and up to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and revocation.

(bb) Delegating or contracting for the performance of professional responsibilities by a person when the owner or designated physician delegating or contracting for performance of the responsibilities knows, or has reason to know, the person is not qualified by training, experience, and authorization when required to perform them. (Section 456.072(1)(p), F.S.). First offense, a fine of up to \$5,000 and from one year probation to up to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(cc) Violating an order of the department or the appropriate board, or failing to comply with subpoena of the department (Section 456.072(1)(q), F.S.). First offense, a fine of up to \$5,000 and from a reprimand to up to one year suspension. For a subsequent offense, a fine of \$5,000 and one year suspension or revocation.

(dd) Improperly interfering with an investigation, inspection, or disciplinary proceeding (Section 456.072(1)(r), F.S.). First offense, a fine of up to \$5,000 and up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(ee) Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing at the clinic (Section 456.072(1)(t), F.S.). First offense, a fine of up to \$2,500 and/or up to a three month suspension. For a subsequent offense, a fine of up to \$5,000 and up to one year of suspension of registration.

(ff) Failing to comply with Sections 381.026 and 381.0261, F.S., requirements to provide patients with information about patient rights and how to file a patient complaint (Section 456.072(1)(u), F.S.). First offense, a fine of up to \$3,500 and a reprimand up to a six month suspension. For a second offense, a fine of up to \$5,000 and from one year probation to up to one year suspension. For a subsequent offense, a fine of \$5,000 and one year suspension or revocation.

(gg) Failing to report to the department in writing within 30 days after having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x), F.S.). First offense, a fine of up to \$2,500 and up to a six month suspension. For a subsequent offense, a fine of \$5,000 and one year suspension or revocation.

(hh) Violating any applicable provision of Chapter 456, Chapter 458 or Chapter 459, F.S., or the rules of these chapters (Section 456.072(1)(dd), F.S.). First offense, from a fine of up to \$5,000 and from six months probation to one year suspension. For a subsequent offense, a fine of up to \$5,000 and up to a one year suspension or revocation.

(ii) With respect to a personal injury protection claim as required by Section 627.736, F.S., intentionally submitting a claim, statement, or bill that has been "upcoded" as defined in Section 627.732, F.S., (Section 456.072(1)(ee), F.S.). First offense, a fine of up to \$5,000 and from a reprimand up to one year suspension. For a subsequent offense, a fine of up to \$5,000 and up to one year suspension or revocation.

(jj) With respect to a personal injury protection claim as required by Section 627.736, F.S., intentionally submitting a claim, statement, or bill for payment of services that were not rendered. (Section 456.072(1)(ff), F.S.). First offense, a fine of up to \$5,000 and from one year of probation to revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(kk) Engaging in a pattern of practice when prescribing drugs or controlled substances which demonstrates a lack of reasonable skill and safety to patients or a violation of Chapter 456, 458 or 459, or any applicable rules. (Section 456.072(1)(gg), F.S.). First offense, a fine of up to \$5,000 and



up to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(ll) Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement (Section 456.072(1)(jj), F.S.). First offense, from a minimum fine equal to the lesser of the amount owed to the state for an overpayment or up to \$5,000 and from 6 months probation to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and up to a one year suspension or revocation.

(mm) Being terminated from the state Medicaid program, any other state Medicaid program, or the federal Medicare program, unless eligibility has been restored. (Section 456.072(1)(kk), F.S.). First offense, from a fine of up to \$5,000 and from one year suspension to revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(3) The range of disciplinary penalties which the department is authorized to impose includes those set forth in Section 456.072, 458.3265(5), or 459.0137(5), F.S. In determining the appropriate disciplinary action to be imposed in each case, the department shall take into consideration the mitigating and aggravating factors described in Section 458.3265(5) or 459.0137(5), F.S. The final order shall explain the mitigating or aggravating circumstances used to justify any deviation from the specified guidelines.

(4) Stipulation or Settlements. The provisions of this rule are not intended and shall not be construed to limit the ability of the department to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

(5) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the ability of the department to pursue collateral civil or criminal actions when appropriate.

Rulemaking Authority 456.079, 458.3265, 459.0137 FS. Law Implemented 456.072(1)(2), 458.3265(1)(5), 458.327, 458.331, 459.0137(1)(5), 459.013, 459.015 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Larry McPherson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.009                      RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The proposed rule amendment addresses the American Society of Anesthesiologists' most recent guidelines for office based anesthesia.

SUMMARY: The proposed rule amendment adopts the most recent standards of the American Society of Anesthesiologists for Basic Anesthetic Monitoring.

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

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

RULEMAKING AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.  
NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) No change.
- (2) General Requirements for Office Surgery.
  - (a) through (f) No change.
  - (g) The Board of Medicine adopts the "Standards of the American Society of Anesthesiologists for Basic Anesthetic Monitoring," approved by House Delegates on October 13, 1999, and last affirmed on October 21, 2009 ~~October 21, 1986, and last amended on October 21, 1998~~, as the standards for anesthetic monitoring by any qualified anesthesia provider.
    - 1. through 3. No change.
    - (h) through (m) No change.
    - (3) through (6) No change.

Rulemaking Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g), (t), (v), (w), 458.351 FS. History--New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, 10-10-06, 4-18-07, 9-3-07, 3-25-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-2.003  
RULE TITLE: Fees; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to notify applicants of the new website to apply online for licensure at www.flhealthsource.com .

SUMMARY: The rule amendment will notify of new online website for applicants to apply online for licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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: 456.013, 468.221, 468.204 FS.

LAW IMPLEMENTED: 468.209(1), 468.221 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.003 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. This application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any

applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form Occupational Therapy Application, DH-MQA 1152 (revised 08-09), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy's website at <http://www.doh.state.fl.us/mqa/occupational/> or you may qualify to apply through the on-line application located at <https://ww2.doh.state.fl.us/DOHInitialApp/login.aspx>.

Rulemaking Authority 456.013, 468.221, 468.204 FS. Law Implemented 468.209(1), 468.221 FS. History--New 4-28-76, Amended 9-9-85, Formerly 21M-13.07, Amended 6-29-89, Formerly 21M-13.007, 61F6-13.007, 59R-61.007, Amended 1-12-09, 5-19-10, \_\_\_\_\_ .

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-3.001  
RULE TITLE: Fees; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to notify applicants of the new website to apply online for licensure at www.flhealthsource.com.

SUMMARY: The rule amendment will notify of new online website for applicants to apply online for licensure.

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: 456.013, 468.221, 468.204 FS.

LAW IMPLEMENTED: 468.221, 468.209(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.001 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form Occupational Therapy Application, DH-MQA 1152 (revised 08-09), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy's website at <http://www.doh.state.fl.us/mqa/occupational/> or you may qualify to apply through the on-line application located at <https://ww2.doh.state.fl.us/DOHInitialApp/login.aspx>.

Rulemaking Authority 456.013, 468.221, 468.204 FS. Law Implemented 468.221, 468.209(1) FS. History—New 4-28-76, Amended 9-9-85, Formerly 21M-14.06, Amended 6-29-89, Formerly 21M-14.006, 61F6-14.006, 59R-62.006, Amended 1-12-09, 5-19-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NOS.:	RULE TITLES:
64I-1.001	Definitions
64I-1.002	Ineligibility, Eligibility and Closure
64I-1.003	Services
64I-1.005	Transitional Living Facility (TLF) Services

PURPOSE AND EFFECT: The Department of Health, Brain and Spinal Cord Injury Program is proposing some revisions to the current definitions section that will clarify some statutory terms. In addition, the section on eligibility and services is now in two sections. One section addresses eligibility, ineligibility and closure, with the majority of the language retained from the previous rule, and some changes to clarify the materials that can be used to open a new case for a person previously served by the program. The other section addresses services, with the prohibitive majority of the language retained for the original rule. Finally, a new section is added to address services provided by transitional living facilities.

SUMMARY: Proposed changes to Rule 64I-1.001, F.A.C., more precisely define “appropriate level of functioning in the community” to clarify this fundamental condition for case closure and confirm that the program does not purchase equipment that requires title. In addition, technical revisions to the rule are proposed to capitalize defined terms and to correct the name of the program. Proposed changes to Rule 64I-1.002, F.A.C., removes current language relating to services and will focus on eligibility for and closure from the Brain and Spinal Cord Injury Program. The proposed changes will assist the program in closing individuals’ cases that should be served by the state vocational rehabilitation program and will assist the program in determining eligibility for individuals who have previously received services from the program. Proposed Rule 64I-1.003, F.A.C., now contains the current language relating to services which define to whom services can be provided by the Department (See current Rule 64I-1.002, F.A.C.). Proposed Rule 64I-1.005, F.A.C., is new and confirms that transitional living facilities serve only those individuals who have sustained a brain or spinal cord injury as defined by Section 381.745, F.S., that transitional living facility services do not include long term care, and that transitional living facilities must obtain accreditation from the Commission on Accreditation of Rehabilitation Facilities prior to providing services.

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: 381.0011, 400.805 FS.

LAW IMPLEMENTED: 381.75, 381.76, 381.79, 400.805 FS.

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

DATE AND TIME: Monday, November 15, 2010, 10:00 a.m.

PLACE: Department of Health, 4025 Esplanade Way, Room 301, Tallahassee, FL 32311

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: Suzanne Kelly, Department of Health, Brain and Spinal Cord Injury Program, 4052 Bald Cypress Way, Tallahassee, Florida 32399; telephone: (850)245-4110; Email address: [Suzanne\\_Kelly@doh.state.fl.us](mailto:Suzanne_Kelly@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Kelly, Department of Health, Brain and Spinal Cord Injury Program, 4052 Bald Cypress Way, Tallahassee, Florida 32399; telephone: (850)245-4110; Email address: Suzanne\_Kelly@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TTD) or 1(800) 955-8770 (Voice)

THE FULL TEXT OF THE PROPOSED RULES IS:

64I-1.001 Definitions.

(1) Definitions for terms used in Sections 381.739-.79, F.S., and Rules 64I-1.001-.003, F.A.C. ~~this rule~~, consistent with Section 381.745, F.S.

(a) Appropriate Level of Functioning in the Community: Maintaining oneself in a Community of one's informed choosing by performing ~~all~~ activities of daily living, independently, or with support, but without the need for ~~Services~~. A particular level of functioning in the Community is not an Appropriate Level of Functioning in the Community if the underlying activities of daily living:

1. Cannot be safely performed in a manner that is consistent with the Eligible Individual's limitations; or

2. Are not financially supportable for the foreseeable future.

(b) No change.

(c) Legal Resident: An individual person who currently lives in Florida, has the present intent to remain in Florida indefinitely, and has lawful permanent presence in the United States of America.

(d) Medically Stable: The Applicant's mental and physical health are sufficiently stable so that BSCIP can make a determination as to whether the Applicant is otherwise eligible for the General Program.

(e) No change.

(f) Reintegration into the Community: Maintaining oneself in a Community by performing ~~all~~ activities of daily living, independently, or with support, but without the need for ~~Services~~.

(2) Additional definitions for terms used in Rules 64I-1.001-.003, F.A.C., this rule, consistent with Section 381.745, F.S.

(a) Applicant: An individual person requesting determination of eligibility for the General Program.

(b) Community: A location no more restrictive than an assisted living facility licensed under Chapter ~~429~~ 400, Part III, F.S.

(c) Eligible Individual Person: An individual person determined eligible for the General Program.

(d) Equipment: For purposes of Section 381.79(1)(b), F.S., means personal property not required to be titled under state law and does not include fixtures to real property except as modifications to a residence.

(e)(~~d~~) General Program: The program for which eligibility is determined under Section 381.76, F.S.

(f)(~~e~~) Glasgow Coma Scale Score (Glasgow): The neurological assessment developed by G. Teasdale and B. Jennett ~~Jennitte~~ in "Assessment of Coma and Impaired Consciousness: A Practical Scale," Lancet 1974; 22: 81-84. A copy of the Glasgow may be obtained from the Department of Health, Brain and Spinal Cord Injury ~~Prevention~~ Program, 4052 Bald Cypress Way, Bin #C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

(g)(~~f~~) Rancho Los Amigos Scale, revised (Rancho): A cognitive functioning scale to determine the level or severity of a brain injury based on observations of the patient's response to external stimuli. Original Scale co-authored by Chris Hagen, Ph.D., Danese Malkmus, M.A., Patricia Durham, M.A., Communication Disorders Service, Rancho Los Amigos Hospital, 1972. Revised 11/15/74 by Danese Malkmus, M.A., and Kathryn Stenderup, O.T.R. Revised scale 1997 by Chris Hagen. A copy of the Rancho may be obtained from the Department of Health, Brain and Spinal Cord Injury ~~Prevention~~ Program, 4052 Bald Cypress Way, Bin #C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

(h)(~~g~~) Services: Services provided by the General Program.

Rulemaking Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History—New 5-9-05, Amended 10-31-05,\_\_\_\_\_.

(Substantial rewording of Rule 64I-1.002 follows. See Florida Administrative Code for present text.)

64I-1.002 Ineligibility, Eligibility and Closure Services.

(1) An Applicant shall be determined ineligible for the General Program if the Applicant:

(a) Is determined eligible for the state vocational rehabilitations program funded under the Rehabilitation Act of 1973, as amended;

(b) Does not require Services to achieve Reintegration into the Community;

(c) Is below Rancho 4 or otherwise is not reasonably expected to achieve Reintegration into the Community through Services; or

(d) Is otherwise categorically ineligible under the statutory criteria.

(2) An Eligible Individual's case shall be closed if the Eligible Individual is:

(a) Determined eligible for the state vocational rehabilitations program funded under the Rehabilitation Act of 1973, as amended;

(b) At an Appropriate Level of Functioning in the Community; or

(c) Not reasonably expected to return to an Appropriate Level of Functioning in the Community through Services.

(3) Prior closure does not prevent an individual from becoming an Applicant.

(4) Applicants previously closed under paragraph (2)(b) for not more than twelve months prior to again becoming an Applicant shall be:

(a) Presumed to satisfy Sections 381.76(1)(a)-(d), F.S.; and

(b) Presumed to satisfy Section 381.76(1)(e), F.S., if the specific required Services:

1. Are needed to achieve an Appropriate Level of Functioning in the Community;

2. Were not provided previously; and

3. Are not available or in sufficient supply from any other resource.

Rulemaking Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History--New 10-31-05, Amended \_\_\_\_\_

64I-1.003 Services.

(1) All Services must be directed specifically to an individual Applicant or Eligible Individual by prior authorization of the General Program.

(2) Services can be delivered for an Applicant only to the extent necessary to determine eligibility for the General Program and for an Eligible Individual only to the extent necessary to achieve subsection 64I-1.002(2), F.A.C. closure.

(3) Services do not include:

(a) Upgrading, replacement or maintenance of a durable medical device;

(b) Funding for consumables (those items for which the very act of using destroys their further use), except in support of Services, and then for no more than twenty four (24) months beginning with the first time such funding is authorized;

(c) Any required by a change in circumstances not directly related to the Applicant or Eligible Individual's brain or spinal cord injury and capable of repetition throughout their life. Examples of changes in circumstances capable of repetition include moving to another location, obtaining a vehicle or, except in the case of an individual below the age of eighteen, the loss of a caregiver; or

(d) Any requiring approval under federal law, such as human subject research.

Rulemaking Authority 381.0011 FS. Law Implemented 381.79 FS. History--New \_\_\_\_\_

64I-1.005 Transitional Living Facility (TLF) Services.

(1) Services:

(a) No entity can deliver TLF services without complying with this rule and before receiving a TLF license from the Agency for Health Care Administration under Section 400.805, F.S.;

(b) TLF services are solely for persons who have sustained brain or spinal cord injury as defined in Section 381.745(2), F.S.;

(c) TLF services do not include services as an appropriate discharge site;

(d) No entity can deliver services as a TLF except upon obtaining and maintaining Commission on Accreditation of Rehabilitation Facilities (CARF) accreditation for actions taken or intended to be taken under a TLF license. CARF may be reached via: the internet [www.carf.org](http://www.carf.org); telephone, (202)587-5001 or toll-free (866)888-1122; fax, (202)587-5009; and by mail CARF-CCAC, 1730 Rhode Island Avenue N.W., Suite 209, Washington, DC 20036, USA.

PROPOSED EFFECTIVE DATE: June 1, 2011 for Rule 64I-1.005.

Rulemaking Authority 381.0011, 400.805 FS. Law Implemented 381.75, 400.805 FS. History--New \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Thom DeLilla, Bureau Chief, Brain and Spinal Cord Injury Program

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2010

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2008, September 26, 2008 and June 26, 2009

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NO.:	RULE TITLE:
11B-30.007	Application for the State Officer Certification Examination and Notification Process

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 31, August 6, 2010 issue of the Florida Administrative Weekly has been withdrawn.