

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
5N-1.116	Classification of Licenses; Insurance; Fees
5N-1.140	School Curriculum; Examinations; Retention of Records

**PURPOSE AND EFFECT:** The purpose is to: amend Rule 5N-1.116, F.A.C., to provide language on the cost of an examination for Class “M,” “MA,” and “C” applicants (called the “private investigator examination”) in a fee section of rule; amend Rule 5N-1.140, F.A.C., by promulgating a form for use by Class “M,” “MA,” and “C” applicants to send to the Division as proof that they have successfully passed the private investigator examination covering the provisions of Ch. 493, F.S., amend Rule 5N-1.140, F.A.C., to establish the content of the private investigator examination and the manner and procedure of its administration. The effect is to implement 2007 Laws of Florida, s. 1, ch. 2007-232.

**SUBJECT AREA TO BE ADDRESSED:** An examination for new private investigator and private investigative agency manager applicants and a form for use by these applicants so they may prove successful completion of the examination; cost of the examination.

**SPECIFIC AUTHORITY:** Section 1, ch. 2007-232, Laws of Florida.

**LAW IMPLEMENTED:** 493.6203(5) (2007) FS.

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

**DATE AND TIME:** September 26, 2007, 10:00 a.m.

**PLACE:** Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** John V. McCarthy, Assistant General Counsel, Division of Licensing, Department of Agriculture and Consumer Services, 2520 North Monroe Street, Tallahassee, FL 32303, telephone: (850)245-5506; Fax: (850)245-5505

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
9B-43.0031	Definitions
9B-43.0041	Application and Administrative Requirements
9B-43.0051	Grant Administration and Project Implementation
9B-43.0061	Emergency Set-Aside Assistance
9B-43.0071	Section 108 Loan Guarantee Program

**PURPOSE AND EFFECT:** To seek input, exchange ideas and gather information that can be utilized in the development of a program rule and application for Federal Fiscal Year 2008. At the workgroup meeting, staff from the CDBG program will provide an overview of the program and answer questions. Interested parties are encouraged to attend. Recommendations for rule change and/or revisions will be accepted starting from the date of the first workgroup meeting.

This is the first of two (2) rule development workgroup meetings. The second meeting time and location will be noticed separately.

**SUBJECT AREA TO BE ADDRESSED:** Florida Small Cities Community Development Block Grant Program Chapter 9B-43, F.A.C.

**SPECIFIC AUTHORITY:** 290.044, 290.048 FS.

**LAW IMPLEMENTED:** 290.042, 290.043, 290.044, 290.0455, 290.046, 290.047, 290.0475 FS.

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

**DATE AND TIME:** September 26, 2007, 1:00 p.m. – 5:00 p.m.

**PLACE:** Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida 32399

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Gail Stafford, Department of Community Affairs, 2555 Shumard Oak Boulevard, (850)487-3644, e-mail: gail.stafford@dca.state.fl.us

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
9B-44.003	Products, Standards and Test Methods
9B-44.004	Certification
9B-44.005	Identification

**PURPOSE AND EFFECT:** Increase the efficiency of consumer products subject to Part VI, Chapter 553, Florida Statutes, by 15% compared to current standards in accordance with Executive Order 2007-127.

**SUBJECT AREA TO BE ADDRESSED:** Energy efficiency standards for consumer products.

**SPECIFIC AUTHORITY:** 553.954, 553.961 FS.

**LAW IMPLEMENTED:** 553.955(8)(c), 553.957, 553.961, 553.963, 553.971 FS.

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

**DATE AND TIME:** October 18, 2007, 1:00 p.m.

**PLACE:** Randall Kelley Training Room, 3rd Floor, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
12A-19.100	Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms) is to provide which version of Form DR-700016, Florida

Communications Services Tax Return, is to be used to report communications services tax on services billed on or after January 1, 2008.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is the adoption, by reference, of revisions to Form DR-700016, Communications Services Tax Return, effective January 2008.

**SPECIFIC AUTHORITY:** 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

**LAW IMPLEMENTED:** 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30, 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

**DATE AND TIME:** September 11, 2007, 9:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS –	SERVICE BILLING DATES –
01/08	January 2008 –	January 1, 2008 –
09/07	September 2007 – December 2007	September 1, 2007 – December 31, 2007
06/07	June 2007– August 2007	June 1, 2007 – August 31, 2007
02/07	February 2007 – May 2007	February 1, 2007 – May 31, 2007
01/07	January 2007	January 1, 2007 – January 31, 2007
06/06	June 2006 – December 2006	June 1, 2006 – December 31, 2006
01/06	January 2006 – May 2006	January 1, 2006 – May 31, 2006
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number Title Effective Date

(3) No change.

(4)(a) DR-700016 Florida Communications Services Tax Return (R. 01/08)

(a) through (x) renumbered (b) through (y) No change.

(5) through (12) No change.

Specific Authority 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS. Law Implemented 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30, 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History–New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-05, 4-5-07, \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-22.0011	General Procedural Requirements
14-22.002	Regulations Covering Qualification of Contractors
14-22.006	Current Capacity Rating
14-22.012	Suspension, Revocation, or Denial of Qualification
14-22.0121	Reapplication and Reinstatement
14-22.0141	Contractor Non-Responsibility
14-22.015	Forms

PURPOSE AND EFFECT: This rule chapter amendment provides for electronic application for qualification with the Department and certification of current capacity.

SUBJECT AREA TO BE ADDRESSED: The contractor application for qualification process is being amended to establish an electronic application submittal.

SPECIFIC AUTHORITY: 334.044(2), 337.14(1) FS.

LAW IMPLEMENTED: 120.569, 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.165, 337.167 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-22.0011 General Procedural Requirements.

(1) This rule chapter sets forth requirements for applicants to be certified by the Department as qualified to bid for the performance of road, bridge, or public transportation construction contracts, in excess of \$250,000.

(2) Except for the provisions of Rules 14-22.012 and 14-22.0141, F.A.C., this rule chapter does not apply to bidders who wish to bid on construction contracts of \$250,000 or less, or other contracts not having to do with the construction of roads, bridges, or other public transportation projects, or where the Department has waived the qualification requirements of Construction projects having a contract price of less than \$500,000 due to the determination that the projects are of a noncritical nature and that waiver of qualification requirements will not endanger public health, safety, or property.

(3) through (4)(b)5. No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.569, 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.165, 337.167 FS. History--New 11-10-82, Amended 8-25-83, Formerly 14-22.011, Amended 12-20-89, 1-4-94, 7-1-95, Amended 8-6-96, 1-17-99, 7-8-01, 6-27-04, \_\_\_\_\_.

14-22.002 Regulations Covering Qualification of Contractors.

(1) Application for Qualification.

(a) Persons or firms who desire to qualify with the Department in order to bid for the performance of road, bridge, or public transportation construction projects in excess of \$250,000, shall file annually with the Department ~~two copies of an electronic application for qualification. An application for qualification shall be filed electronically on the website <http://www.dot.state.fl.us/cc-admin/default.htm>. Information regarding the electronic application can be obtained by writing to the Department at the address listed below. Persons or firms may obtain information on how to obtain a user name and password to use the electronic application filing process by contacting the Contracts Administration Office at the address below. The electronic application will consist of requested information on the Applicant, Applicant's stakeholder, Applicant's affiliates, and would include the Applicant firm's background, current and historical contract detail, construction experience, and expertise, financial information and requested work classes. Persons or firms shall also file two hard copies of including audited financial statements as required by this section via hand delivery or mail to Department of Transportation, Contracts Administration Office, 605 Suwannee Street, MS 55, Room 60, Haydon Burns Building, Tallahassee, Florida 32399-0455.~~ For purposes of this rule, "filing" is defined as receipt of the application and audited financial statements by the Contracts Administration Office; ~~MS 55, Room 60, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0455.~~

(b) through (4)(b)5. No change.

Specific Authority 334.044(2), 337.14(1), 337.167 FS. Law Implemented 337.14, 337.164, 337.167 FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(1),(2),(3), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.02, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 6-27-04, 5-15-06, \_\_\_\_\_.

14-22.006 Current Capacity Rating.

(1) through (2) No change.

(3) In order for the Department to have the information required to determine a bidder's Current Capacity, it is necessary that the bidder certify the total dollar amount of all work the bidder has underway. This certification shall be accomplished electronically in the manner directed by the Department submit on the day of the letting, a Certification of Current Capacity, Form 375-020-22, Rev. 05/05, that shall be executed under oath. This certification shall be accomplished electronically in the manner directed by the Department concurrently with form must be included in the bid submittal for the first letting in the calendar month that the bidder submits a bid. Failure to submit this certification document shall result in a determination that all bids submitted by the bidder for that letting are disqualified and are rejected, pursuant to Rule 14-22.009, F.A.C. The Department shall include instructions to meet this requirement the Certification of Current Capacity, Form 375-020-22, Rev. 05/05 with the proposal documents issued to the bidder.

(4) In submitting this preparing the cCertification of Current Capacity, Form 375-020-22, Rev. 05/05 the following shall apply:

(a) through (c) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.164 FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 7-24-75, Formerly 14-22.01(8), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.06, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 7-2-95, 12-18-05, 5-15-06, \_\_\_\_\_.

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

(1) through (1)(a)2. No change.

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

4. through (6) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 334.044(27), 337.11, 337.14, 337.16, 337.165, 337.167 FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.12, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 2-16-99, 7-8-01, 6-27-04, \_\_\_\_\_.

14-22.0121 Reapplication and Reinstatement.

(1) through (2) No change.

(3) If the petition for reapplication or reinstatement is granted, the contractor must file a current Application for Qualification, ~~Form 375-020-32, Rev. 12/98~~, with the Contracts Administration Office, ~~MS 55, Room 60, Hayden Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0455~~. Reinstatement shall not be effective until issuance of a Certificate of Qualification. The financial statements submitted with the reinstatement application must comply with subsection 14-22.002(2), F.A.C.

Specific Authority 334.044(2), 337.14(1), 337.167(2) FS. Law Implemented 337.14, 337.16, 337.164, 337.165, 337.167 FS. History—New 8-25-83, Amended 10-1-85, Formerly 14-22.121, Amended 12-20-89, 1-4-94,\_\_\_\_\_.

14-22.0141 Contractor Non-Responsibility.

(1) Contractors who wish to bid for the performance of construction contracts less than or equal to \$250,000, or any maintenance contracts, are presumed to be responsible bidders unless the Department determines that good cause exists to declare the contractor non-responsible, which shall include the following:

(a) One of the circumstances specified in Section 337.16(2), Florida Statutes, occurs;

(b) The contractor or its affiliate defaulted on any contract, or the contract surety assumed control of or financial responsibility for, any contract of the contractor;

(c) The contractor’s qualification to bid is suspended, revoked, or denied by any public agency or semi-public agency;

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

(e) The contractor failed to comply with contract requirements, or failed to follow Department direction in the execution of a contract;

(f) The contractor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents;

(g) The contractor or affiliate(s) has been convicted of a contract crime, as provided in Section 337.165, F.S.;

(h) An affiliate of the contractor has previously been determined by the Department to be non-responsible, and the specified period of suspension, revocation, or denial remains in effect.

(i) The contractor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, uncooperative attitude, contract litigation, claims, or defaults.

(j) When the Department determines that any other circumstance constituting “good cause” under Section 337.16(2), Florida Statutes, exists.

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

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

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

(b) The time frames associated with paragraphs 14-22.0121(1)(a) through (b), F.A.C., shall be used as factors for the determination of seriousness of Contractor Non-Responsibility.

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

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

Specific Authority 334.044(2) FS. Law Implemented 337.16(2) FS. History—New 4-11-95, Amended 12-7-97, 7-8-01, 6-27-04,\_\_\_\_\_.

14-22.015 Forms.

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

Form Number	Date	Title
<del>375-020-32</del>	<del>01/06</del>	<del>Application for Qualification</del>
<del>375-020-22</del>	<del>05/05</del>	<del>Certification of Current Capacity</del>
700-010-25	09/05	Contractor Past Performance Report
375-020-37	07/06	Application for Qualification for Emergency Debris Removal

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, 12-18-05, 5-15-06,\_\_\_\_\_.

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-28.0011	Definitions
14-28.0012	Forms
14-28.002	Public Use of Rest Areas and Welcome Centers
14-28.003	Procedures for Use of Rest Areas and Wayside Parks for Non-Profit Organizations to Assemble for Safety Purposes
14-28.005	Solicitation Within Rest Areas and Welcome Centers
14-28.006	Notification
14-28.007	Solicitation Restrictions
14-28.008	Suspension or Revocation of a Solicitation Permit

PURPOSE AND EFFECT: This rule chapter is being amended and restructured, including repealing six of the existing rules. The repeal of rules is part of the Department’s overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The remaining two rules are simplified. The rule chapter title also is amended.

SUBJECT AREA TO BE ADDRESSED: Six of the existing rules are being repealed and the remaining two rules are simplified. The rule chapter title also is amended.

SPECIFIC AUTHORITY: 334.044(2), 337.405, 337.406, 496.425 FS.

LAW IMPLEMENTED: 316.130, 334.044(13), (28), 335.02(1), 337.405, 337.406, 496.425 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

REST AREAS AND WELCOME CENTERS  
PUBLIC USE OF REST AREAS, WAYSIDE  
PARKS, AND SOLICITATION  
ON STATE HIGHWAY FACILITIES

14-28.0011 Definitions.

Specific Authority 334.044(2) FS. Law Implemented 316.130, 335.02(1), 337.406(1), 496.404 FS. History–New 10-25-89, Amended 7-6-93, Repealed.

14-28.0012 Forms.

Specific Authority 120.53(1)(b), 120.60, 334.044(2) FS. Law Implemented 120.53(1)(b), 120.60, 334.044(2), 335.02(1), 337.406(1), 496.425 FS. History–New 10-25-89, Amended 7-6-93, Repealed.

14-28.002 Public Use of Rest Areas and Welcome Centers  
Wayside Park Regulations.

Rest areas and welcome centers ~~wayside parks~~ are provided as safety rest stops for travelers to use on a first come, first served basis. Persons using rest areas and welcome centers ~~wayside parks~~ shall comply with the following requirements:

- (1) Group functions are prohibited.
- (2) Camping is prohibited.
- (3) The use of alcoholic beverages and drugs is prohibited.
- (4) Parking for periods greater than three hours is prohibited. This does not apply to solicitations ~~participants~~ permitted under Rules 14-28.003 and 14-28.005, F.A.C.

(5) All vehicles must be parked in the proper manner at locations designated by the Florida Department of Transportation (Department).

(6) Animals must be kept on leash or in other appropriate restraining devices, e.g. cages, and shall not be taken into any shelters or other buildings. This provision is not applicable to animals used by ~~the blind or other handicapped~~ persons with disabilities.

(7) No person shall disturb or injure birds, nests, eggs, squirrels, or any other animals within the area.

(8) No person shall pick any flowers, foliage, fruit; or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass turf, railing seat, fence, structure or anything within the area; or cut, carve, write, paint or paste on any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement or inscription whatsoever.

(9) No person shall dig up or remove any dirt, stones, rocks or other objects; make any excavation, quarry any stones or lay or set off any blast or cause or assist in doing any of these activities within the area.

(10) Fires shall be made only in fire places or grills provided for this purpose and any person building a fire will be responsible for completely extinguishing the fire before leaving the area.

(11) No article or object shall be offered for sale within the area, ~~except as authorized by law.~~

(12) Bottles, broken glass, ashes, waste paper or other rubbish shall be left only at such places provided for disposal ~~by the Department.~~

(13) No person, ~~except permitted non-profit organizations,~~ shall hook up his or her vehicle to ~~Department~~ electrical and water outlets. ~~All costs of making these hook ups shall be at the permittee’s expense. The permittee will be responsible for the safety of all connections, hoses, wires, etc. Hazardous situations may be identified by the Department and must be~~

corrected by the permittee immediately. Failure to do so shall result in revocation of the permit. The permittee will be responsible for obtaining all local government permits and health department approvals, which will be posted where they can be seen easily. All damages to Department property shall be repaired at the permittee's expense.

Specific Authority 334.044(2), 337.405, 337.406 FS. Law Implemented 334.044(13), 335.02(1), 337.405, 337.406(4) FS. History—New 9-2-82, Formerly 14-28.02, Amended 10-25-89, 8-28-91, 7-6-93, \_\_\_\_\_.

14-28.003 Procedures for Use of Rest Areas and Wayside Parks for Non-Profit Organizations to Assemble for Safety Purposes.

Specific Authority 334.044(2), 335.16(1) FS. Law Implemented 334.044 (28), 335.16(1), 337.406(1) FS. History—New 9-2-82, Formerly 14-28.03, Amended 10-25-89, 8-28-91, 7-6-93, Repealed \_\_\_\_\_.

14-28.005 Solicitation Within Rest Areas and Welcome Centers Permits.

(1) Only ~~non-profit organizations registered with the Department of Agriculture and Consumer Services, pursuant to Chapter 496, F.S., and holding a valid consumer certificate of exemption issued by the Department of Revenue may apply for a solicitation permit to solicit funds which have secured may solicit within approved rest areas and welcome centers the Department public access facilities. Permits for solicitation within the Department public access facilities are issued by the Department and permits for solicitation on state roads are issued by the appropriate Local Governmental Entity.~~

(2) ~~Non-profit organizations which have secured a solicitation permit, Form Number 850-040-70, 01/93, from the Department may solicit at approved interstate rest areas, Welcome Center rest areas, turnpike service plazas, and other approved Department public access facilities:~~

(2)(a) ~~A non-profit The organization must obtain a separate solicitation permit from each Department District within the whose boundaries of the intended solicitation it will solicit or from the Maintenance Office of Florida's Turnpike for solicitation on Florida's Turnpike System.~~

(3)(b) ~~Permit Applications for Solicitation at a Department Rest Area or Welcome Center, Form Number 850-040-70, 06-07 01/93, and Indemnification Agreement, Form 850-040-72, 06/07, incorporated herein, may be obtained from any of the Department's District or Area Maintenance Offices(s) or the Maintenance Office of Florida's Turnpike. A The completed application shall may then be submitted by the permittee to the appropriate District or Area Maintenance Office(s). The District Maintenance Engineer or designee will be responsible for approval or denial of the permit.~~

(4)(e) The permit application shall include:

1. The name, mailing address, and telephone number of the organization applying for the permit.

2. A description of the proposed activities.

~~(a)3. A copy of the Consumer's Certificate of Exemption issued to the applicant by the Florida Department of Revenue.~~

~~4. An indemnification agreement, Form Number 850-040-72, 01/93, stating that in consideration of receiving a permit, the applicant agrees to indemnify, defend, save, and hold harmless the Department from all claims, demands, liabilities, and suits of any nature arising out of or because of any activities or actions taken by the permittee.~~

~~(b)5. Proof of registration with A copy of the letter of compliance or exemption issued by the Florida Department of Agriculture, Division of Consumer Services. This will apply to all non-profit organizations except religious or educational institutions, state agencies, or other government entities and political contributions solicited in accordance with the election laws of this state.~~

~~(c) An executed Indemnification Agreement, Form 850-040-72.~~

~~(d) Within 15 days of any change in the information submitted in the permit application, the applicant shall provide the Department with the corrected information.~~

~~(e) A solicitation permit shall be valid only in the Department District in which it is issued for one year from the date of its issuance, and a copy of the approved permit shall be kept on file in the District Maintenance Office for this period of time.~~

~~(f) Time frames associated with the approval, denial, suspension, or revocation of a solicitation permit shall be in accordance with Chapter 120, F.S.~~

~~(3) Non-profit organizations, which have secured approval of the appropriate local government authority may solicit at the approved location on the state road. Permits for solicitation on state roads located within city limits should be obtained from and issued by the city. Permits for solicitation on state roads located outside city limits should be obtained from and issued by the county in which the state road is located. Permits for solicitation on expressways should be obtained from and issued by the expressway authority and any local governmental entity with jurisdiction.~~

~~(5) The Maintenance Engineer or designee having jurisdiction over the facility will designate an area within the premises for the permittee's use, and specify any other restrictions in the permit, such as the number of persons and the hours permitted, according to the available space, hours of operation, and security of the location.~~

~~(6) In the event more than one organization wishes to solicit during the same period at the same site, the first complete application received by the Department will be the first considered for approval.~~

~~(7) The permittee shall comply with the provisions of Section 496.425, F.S., and the restrictions specified in the permit.~~

~~(8) All permittees shall also comply with the following:~~

(a) Solicitation shall not be conducted on any area paved for vehicular travel or within any area of construction.

(b) Solicitation shall not be conducted in or around any area reserved for a particular use, such as a parking area, restroom facility, sidewalk, dining area, vending machine area, stairwells, doors of public circulation, and foyers.

(c) No advertising of the organization will be allowed on the roadway. Only one sign, no larger than 3' x 5', displaying the organization's name and the permit will be allowed in the designated area. The sign shall clearly contain the following language: "Those soliciting are not employed or endorsed by the State of Florida."

(d) No solicitor may be under the age of 18 years.

(e) Solicitors shall comply with all applicable laws and no organization or solicitor may:

1. Knowingly solicit from on duty state employees, on duty employees of a state contractor, or employees of authorized business on the premises.

2. Harass any person, including demanding, threatening, or intimidating conduct, or persist after solicitation has been declined.

3. Hamper or impede the conduct of any authorized business.

4. Request a minimum contribution or specify an amount of contribution.

5. Offer food or drink at a site where food or drinks are made available under the auspices of the State.

6. Obstruct, delay, or interfere with or distract from the free movement of either pedestrians or vehicular traffic, or

7. Create a safety or operation problem for the Department, or a danger to the public health, safety, and welfare.

(9) The permittee shall submit a Notification and Request for Facility Use, Form Number 850-040-71, 06/07, incorporated herein, to the appropriate District or Area Maintenance Office at least three days prior to undertaking any solicitation and no more than 60 days prior to an event. Each event may not exceed one week. A copy of Form 850-040-71 may be obtained from any of the Department's District or Area Maintenance Office(s).

(10) The permittee shall maintain its registration pursuant to Chapter 496, F.S., and the exemption by the Department of Revenue during the permit period, and shall immediately inform the Department of any change in status. The permit becomes invalid at the time the permittee is no longer a qualified entity under Section 496.425, F.S. The Department has the authority to suspend or revoke a permit for any violation of this rule chapter in accordance with Section 496.425, F.S.

Specific Authority ~~120.53(1)(a),(b), 120.60,~~ 334.044(2), 337.406, 496.425 FS. Law Implemented 316.130, 334.044(13), (28), 335.02(4), 337.406(4), 496.425 FS. History–New 10-25-89, Amended 7-6-93, \_\_\_\_\_.

14-28.006 Notification.

Specific Authority 120.53(1)(a), 334.044(2) FS. Law Implemented 316.130, 334.044(28), 335.02(1), 337.406(1), 496.425 FS. History–New 10-25-89, Amended 5-23-90, 7-6-93, Repealed \_\_\_\_\_.

14-28.007 Solicitation Restrictions.

Specific Authority 334.044(2) FS. Law Implemented 316.130, 335.02(1), 337.406(1), 496.425 FS. History–New 10-25-89, Amended 7-6-93, Repealed \_\_\_\_\_.

14-28.008 Suspension or Revocation of a Solicitation Permit.

Specific Authority 120.60, 334.044(2) FS. Law Implemented 120.60, 316.130, 335.02(1), 337.406(1), 496.415, 496.416, 496.417, 496.425 FS. History–New 10-25-89, Amended 7-6-93, 1-17-99, Repealed \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-63.001	Scope
14-63.0011	Definitions
14-63.002	General Requirements for Building Movement Permit Issuance
14-63.0021	Single Move Permits
14-63.003	Single Move Permit Size Limitations
14-63.004	Movement Restrictions for All Permits
14-63.005	Special Permits
14-63.0051	Annual Permits for Factory-Built School Buildings
14-63.006	Fees
14-63.007	Bond Requirements
14-63.008	Traffic Control
14-63.0091	Application Procedure and Notice to Others
14-63.0101	Liability and Insurance
14-63.011	Non-Compliance

PURPOSE AND EFFECT: This is an amendment to Rule Chapter 14-63, F.A.C., including repeal of nine rules and other amendments to clarify the rules. The repeal of rules is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. A revised Permit to Move Building Over State Roads, Form 850-040-90, is incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14-63, F.A.C., is being amended to clarify the regulations relating to building moving permits and to repeal rules within the chapter. A revised Permit to Move Building Over State Roads, Form 850-040-90, is incorporated by reference.

SPECIFIC AUTHORITY: 316.550 FS.

LAW IMPLEMENTED: 334.03, 316.550 FS.



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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 14-63.001 Scope.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History—New 9-1-71, Amended 7-9-75, Formerly 14-63.01, Amended 1-3-90, Repealed \_\_\_\_\_.

#### 14-63.0011 Definitions.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History—New 1-3-90, Amended 7-1-92, Repealed \_\_\_\_\_.

14-63.002 General Requirements ~~Authorization~~ for Building Movement Permit Issuance.

(1) ~~Each The Department~~ District Maintenance Office is authorized to issue building movement permits ~~for allowing the movement of houses and other similar buildings traveling upon state roads, other than limited access facilities, highways. These permits are issued only under certain conditions which are intended to ensure safety and reduce to a minimum any inconvenience to the highway user. The approval of all building movement permits is the responsibility of the District Office in its the dDistrict in which the movement occurs. For purposes of this rule, "building" means a fixed structure normally attached to a foundation with walls and roof, and does not include mobile homes, modular buildings, and manufactured housing. If the proposed housemoving route involves occurs in more than one district, then each affected Ddistrict Maintenance Ooffice will be responsible to review and issue a permit for the portion of the route that lies within its their boundaries. If the proposed move involves only crossing a state road highway, a permit will not be required, but the-The mover is required to notify the District Area Maintenance Office, within whose boundaries the crossing takes place, at least 24 hours in advance of the proposed move.~~

#### (2) Building Movement Restrictions.

(a) Movement is prohibited under the following conditions:

1. During periods of heavy traffic, normally "rush hour" traffic, between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m., Monday through Friday.

2. During weekends and nighttime, unless approved by the appropriate law enforcement agencies, local government, and the Department. Nighttime means that period of time which begins one hour before sunset and ends one hour after sunrise.

(b) Building movement is prohibited on any portion of limited access facilities. Building movement is permitted on roads passing over or under limited access facilities.

(c) Building movements are subject to additional restrictions, for reasons of public health, safety, and welfare.

(3) Fees. Payment of the permit fee shall be required at the time of the building movement permit application. An application submitted without payment of the permit fee will be deemed incomplete and returned to the applicant. The following fee charges apply to all permits:

(a) A fee of \$25.00 will be charged for issuance of each single move permit.

(b) A fee of \$50.00 will be charged for issuance of each special permit.

(c) Fees will not be charged for factory-built school buildings and other public buildings when moved by a governmental entity or its contracted mover.

(4) Security Instrument. A permittee moving a building in excess of 14 feet wide shall be required to provide a security instrument in the amount of \$10,000.00 to cover repair damage to state facilities resulting from the move. The security instrument may be a letter of credit or bond as described in Section 334.187, F.S., and must be submitted to the affected District Maintenance Office. All bonds shall be made payable to the Department and shall be submitted to the Department prior to approval of the permit.

(5) Liability and Insurance. The permittee is required to name the Department as an additional insured and submit a certificate of insurance, with the permit application, in the amount of not less than \$100,000 bodily injury or death per person for any number of persons in any one occurrence, \$300,000 for property damage or a combined coverage of not less than \$300,000. The certificate of insurance shall be submitted to and kept on file in the appropriate District Maintenance Office(s).

(6) Traffic Control. All building movements must be accompanied by escort vehicles in the front and rear. The escort vehicles must comply with the requirements specified in Rule 14-26.012, F.A.C.

(a) The building movement must pull over to the side at turnouts or median crossovers to allow traffic to pass as directed by law enforcement to facilitate public safety.

(b) During building movement, a minimum of three adult personnel (including the driver and escort personnel) shall be in attendance at all times.

(c) Clean, high visibility, red/orange warning flags at least 18 inches square shall be displayed on the corners and at all protrusions of the building movement at all times.

(d) Enroute, during any delays, breakdowns, accidents, or other times when the building is immobile, the building shall be identified with warning lights as described above. A minimum of one light for each 15 feet of perimeter is required.

(7) Application Procedure and Notice. Applicants shall obtain a Permit to Move Building Over State Roads, Form 850-040-90, Rev. 06/07, incorporated herein by reference, from any District Maintenance Office or area maintenance office. If the proposed route occurs in more than one district, then the applicant will need to mail or hand deliver a completed form to each affected District Maintenance Office. Applicants shall complete all appropriate sections of the form and obtain review and approval by the nearest Florida Highway Patrol Office with route and escort recommendations.

(a) Applicants shall contact all utilities (e.g., traffic signals, electric power lines, sewer, gas, communication lines, cable television), railroad companies, and all local governments whose facilities will be affected by the move, and address any concerns. In addition, it is the responsibility of the permittee to notify these utilities at least 24 hours in advance of the proposed move. The permittee shall notify the railroad companies at least 24 hours in advance of any move over at-grade rail crossings.

(b) The Application will be reviewed for completeness, accuracy, and compliance with these rules prior to approval.

(c) All Applications for special permits and routes crossing bridges will be reviewed by the Departmental District Structures and Facilities Engineer prior to approval.

(d) Requests for time extension must be made by the permittee through the issuing office. The request must be made not less than 48 hours prior to the expiration date of the original permit. Not more than three time extensions will be granted for each permit.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History—New 9-1-71, Formerly 14-63.02, Amended 1-3-90, 7-1-92, \_\_\_\_\_.

14-63.0021 Single Move Permits.

~~The Department will review~~ Each Application will be reviewed regarding the proposed route, as indicated on a map provided by the applicant, and the building moving arrangements. The following factors shall be considered ~~when reviewing the application:~~

(1) Bridge or roadway structure widths, clearances, condition of roadway and bridges and their load carrying capacity.

(2) The ~~applicant's~~ applicant's load plan, including spacing and size of beams, and spacing and size of wheels and tires ~~will be considered.~~ The load, in pounds, must be shown on each set of wheels in the load plan. Load plan means a sketch or drawing showing details and dimensions of the building to be moved,

including the means of movement. Overall dimensions and weight distribution must be included in the plan. ~~A load plan is required if any of the following conditions are exceeded:~~

~~(a) The weight shall not exceed on any four tire axle exceeds 22,000 pounds or 605 pounds per inch of tire tread width on two tires.~~

~~(b) Maximum overall building width shall not exceed 30 feet, six inches, excluding the building movement unit, eaves, and beams.~~

~~(c) Maximum overall building length shall not exceed 65 feet, excluding the building movement unit, eaves, and beams.~~

~~(d) When loaded, buildings shall be no more than 25 feet in height, as measured from ground level to the highest point of the load.~~

~~(e) Dimensions in excess of (b), (c), or (d) above shall require special permits.~~

~~(b) The gross weight of tractor-trailer, hauling unit and house exceeds:~~

- ~~1. \*122,000 pounds on seven axles;~~
- ~~2. \*132,000 pounds on eight axles;~~
- ~~3. \*142,000 pounds on nine axles;~~
- ~~4. \*172,000 pounds on ten axles;~~

~~5. \*192,000 pounds on thirteen axles with 38 feet minimum longitudinal distance required from center of fifth axle to center of sixth axle.~~

~~\*A minimum of 51 feet longitudinal distance is required from center of the steering axle on the tractor to center of the external rear axle on the hauling unit. Axles that are located across the bridge deck transverse to the longitude line will be considered as separate groupings. Maximum weight per axle is 22,000 pounds. Maximum weight per three axle group is 60,000 pounds. Maximum weight per four axle group is 66,000 pounds.~~

~~(3) Sufficiency of Adequate~~ Sufficiency of Adequate shoulder widths and conditions to handle the route traffic.

(4) Sufficiency of parking areas to allow accumulated traffic to pass.

(5) The potential disruption to traffic and traffic conditions during the time of the move.

(6) The history of other moves on the route.

~~(7) Safety considerations.~~

~~(7)(8) Any Other~~ Other factors relevant to public safety or the protection of public transportation facilities related to the specific request.

Specific Authority 316.550, ~~334.044(2)~~ FS. Law Implemented 316.550 FS. History—New 1-3-90, Amended 7-1-92, \_\_\_\_\_.

14-63.003 Single Move Permit Size Limitations.

Specific Authority 334.044(2), 316.550 FS. Law Implemented 316.550 FS. History—New 9-1-71, Formerly 14-63.03, Amended 1-3-90, 7-1-92, Repealed \_\_\_\_\_.

14-63.004 Movement Restrictions for All Permits.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History–New 9-1-71, Formerly 14-63.04, Amended 1-3-90, 7-1-92, Repealed.

14-63.005 Special Permits.

(1) Special permits are required ~~used~~ for buildings movements exceeding the dimension requirements of single move permits ~~Rule 14-63.003~~. Special permits will be granted on a case-by-case basis by the Department.

(2) The following criteria will be used in evaluating a request for a special permit:

(a) Applicants will furnish written explanation as to why the building move cannot conform to the criteria for a single move permit.

(b) Applicants will state what specific steps have been taken to comply with the size limitations.

(c) The route of the building movement will accommodate the move without risk of damage or compromise of safety.

(d) ~~Applicants will furnish a~~ load plan showing all axle spacing, wheels, dimensions, and weights ~~shall be furnished when the requirements of Rule Section 14-63.0021(2) are exceeded~~.

(e) ~~Applicants will furnish d~~Documentation ~~shall be required~~ showing concurrence with the move by the affected local government counties, municipalities, and utilities.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History–New 9-1-71, Formerly 14-63.05, Amended 1-3-90, 7-1-92, \_\_\_\_\_.

14-63.0051 Annual Permits for Factory-Built School Portable Classroom Buildings.

(1) Annual ~~P~~ermits may be issued at any time for the transport of a factory-built school portable classroom buildings as defined in Section 553.415, F.S., meeting the size limitations of a single building move permit 14-63.003(1), (2), and (3), owned by a ~~c~~County ~~s~~School ~~b~~Board when a building movement is made from a construction site to a school site or from one school site ~~to another with school board equipment and forces or by a housemover subcontracted by a county school board or its contracted mover~~.

(2) Annual Permit holders must notify all affected aArea mMaintenance oOffices of the origin, route, and destination of movement not less than 24 hours in advance of each move. The Department must approve the date and time of the building movement or the move ~~it~~ must be rescheduled.

Specific Authority 316.550, ~~334.044(2)~~ FS. Law Implemented 316.550 FS. History–New 1-3-90, Amended 7-1-92, \_\_\_\_\_.

14-63.006 Fees.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History–New 9-1-71, Formerly 14-63.06, Amended 1-3-90, 7-1-92, Repealed.

14-63.007 Bond Requirements.

Specific Authority 334.044(2), 316.550 FS. Law Implemented 316.550, 316.560 FS. History–New 9-1-71, Formerly 14-63.07, Amended 1-3-90, 7-1-92, Repealed.

14-63.008 Traffic Control.

Specific Authority 334.044(2), 316.550 FS. Law Implemented 316.550 FS. History–New 9-1-71, Formerly 14-63.08, Amended 1-3-90, 7-1-92, Repealed.

14-63.0091 Application Procedure and Notice to Others.

Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History–New 1-3-90, Amended 7-1-92, 7-19-94, Repealed.

14-63.0101 Liability and Insurance.

Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550, 316.560 FS. History–New 1-3-90, Amended 7-1-92, Repealed.

14-63.011 Non-Compliance.

(1) Suspension, revocation, or denial of permit. ~~The Department District Secretary, or designee~~, for good cause, will deny, revoke, or suspend any permit for a specified period of time up to 12 months. Good cause includes, ~~but is not limited to:~~

(a) Failure by the permittee or its his agents to comply with the requirements regulations of this rule chapter or the requirements of Chapter 316, F.S.

(b) A determination ~~by the Department~~ that the permittee has submitted a misleading permit application or information.

(c) Failure by the permittee or its his agents to comply with the terms of the permit.

(d) Travel by the permittee on other than approved routes.

(e) Instances in which the permittee or its agent has previously undertaken a move without obtaining the necessary permit.

(f) Other reasons of health, safety, or welfare.

(2) Penalties.

(a) In addition to a suspension, revocation, or denial of a current permit for cause as set forth in subsection (1), in any 12 month period, the Department, for good cause, as defined in subsection (1), will deny issuance of future permits for periods of time as follows:

<u>VIOLATION OF PRIOR PERMIT</u>	<u>PERMIT DENIAL PERIOD</u>
<u>First</u>	<u>30 Days</u>
<u>Second</u>	<u>180 Days</u>
<u>Third</u>	<u>12 Months</u>

VIOLATION OF PRIOR PERMIT	PERMIT DENIAL PERIOD
First	30 Days
Second	180 Days
Third	12 Months

However, the Department ~~will~~ may not refuse to issue a permit because of an alleged violation(s) until a final order is entered or the permittee does not request an administrative hearing the Department's action has become final pursuant to subsection (3).

(b) Any person who fails to obtain a permit or violates the provisions of a permit issued under this rule chapter shall pay a penalty. ~~All penalties collected under this rule chapter shall be~~

TYPE OF VIOLATION	PENALTY
<del>Operating without a permit.</del>	<del>Ten times the cost of the permit not to exceed \$500</del>
<del>Violating the terms or conditions of a current permit.</del>	<del>\$250 per violation, up to a maximum of \$1,000</del>
<del>Modifying the terms or conditions of a current permit.</del>	<del>Ten times the cost of the permit not to exceed \$500.</del>

TYPE OF VIOLATION	PENALTY
<del>1. Operating without a permit.</del>	<del>Ten times the cost of the permit not to exceed \$500.00.</del>
<del>2. Violating the terms or conditions of a current permit.</del>	<del>\$250.00.</del>
<del>3. Modifying the terms or conditions of a current permit.</del>	<del>Ten times the cost of the permit not to exceed \$500.00.</del>

~~(3) Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

Specific Authority ~~316.550, 334.044(2)~~ FS. Law Implemented ~~120.569, 120.57, 120.60,~~ 316.550 FS. History-New 9-1-71, Formerly 14-63.11, Amended 1-3-90, 7-1-92, 6-24-99, \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-88.001	Purpose
14-88.002	Definitions
14-88.003	Toll Facilities Revolving Trust Fund Application Requirements
14-88.0041	Submission and Award
14-88.005	Administration of Trust Funds and Applicant Projects

PURPOSE AND EFFECT: Four of the five existing rules are being repealed and the one remaining rule is being amended. Repeal of these rules is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The remaining rule is simplified. SUBJECT AREA TO BE ADDRESSED: The rule chapter is being simplified by repealing four of the five existing rules.

credited to the State Transportation Fund. Under the provisions of Rule Chapter 14A-1, F.A.C., any person aggrieved by the imposition of a civil penalty pursuant to this rule chapter may appeal to the Commercial Motor Vehicle Review Board. The Commercial Motor Vehicle Review Board may modify, cancel, revoke, or sustain such penalty.

(e) Penalties shall be imposed on overdimensional loads or vehicles building movements as follows:

SPECIFIC AUTHORITY: 338.251 FS.  
 LAW IMPLEMENTED: 334.30, 343.82, 348.0004, 338.251 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-88.001 Purpose.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History-New 1-8-86, Amended 9-22-92, Repealed \_\_\_\_\_.

14-88.002 Definitions.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History-New 1-8-86, Amended 9-22-92, Repealed \_\_\_\_\_.

14-88.003 Toll Facilities Revolving Trust Fund Application Requirements of Applicant Applications.

(1) A county, a municipality, an expressway or a bridge authority pursuant to Chapter 348, F.S., a private entity pursuant to Section 334.30(7), F.S., and the Turnpike Enterprise, may apply for loans from the Toll Facilities Revolving Trust Fund for a revenue producing road project such as a toll road, bridge facility, or related toll facility work. Section 338.251(2), Florida Statutes, requires that needed material and information shall be "documented to the Department of Transportation" before trust fund monies can be

advanced/awarded to implement an applicant project. When required documentation is provided in an application, the Department will consider the application for an award of trust fund monies. However, this does not obligate the Department of Transportation to advance/award trust funds to any local governmental entity.

(2) A complete An applicant application shall include the following information:

(a) Entity Applicant name, mailing address, and street address.

(b) Contact person, title, phone number, and e-mail address.

(c)(b) Project Application title and type(s) of activity(ies) proposed as defined in this Rule Chapter.

(d)(e) As Statement of needs(s) that shall includes a clear presentation and of documentation of the conditions and problems that exist, and which the proposed applicant project activities will help to resolve. This information that should demonstrates how that requested applicant project activities will help resolve the directly affect documented problems.

(e)(d) Project objective(s) that specifies the detailed results required for the type(s) of activity(ies), defined in Rule 14-88.001, F.A.C. A clear, concise and complete enumeration of expected results/products to be delivered by the applicant project is required.

(f)(e) A Detailed project budget and commitment schedule composed of a two year budget proposal that contains detailed lists (by fiscal quarter) of proposed trust funded activity and sub-activity expenditures that are consistent with the project schedule. For allowable activities, Contingency costs may be allowable but shall be itemized and presented for consideration must be itemized.

(g)(f) A Detailed project schedule consistent with the project objective(s) and budget. The project schedule is a procedural plan, a detailed program of actions, that specifies what will be done by whom, when, and where for each activity requested (by fiscal quarter) for the life of the project.

(h)(g) A Certification letter from the applicable Metropolitan Planning Organization's (MPO) chairperson stating MPO supporting for the candidate project, and indicating that the a candidate project is consistent ("compatible with" and "furthers" as defined in this Rule Chapter) with its the adopted MPO comprehensive transportation plan.

(i)(h) Documentation indicating how the candidate project is consistent (as defined in this Rule Chapter) with the adopted Florida Transportation Plan (FTP).

(2)(i) Applications for engineering design activities below the 60% completion stage, final environmental impact studies/actions, financial advisory services, or advanced right of way activities (excluding purchase) shall also include provide the information specified in paragraphs 14-88.003(2)(a) through (h), F.A.C. and the following:

(a)1- Final preliminary engineering studies and reports as defined by this Rule Chapter or a status report on the studies progress.

(b)2- Final traffic and revenue study providing projected traffic levels and needed toll revenues studies as defined by this Rule Chapter or a status report on the study's studies progress by traffic and revenue forecasting consultants who have at least five years of professional experience analyzing revenue producing projects that leads to successful issue of bonds.

(c)3- An approved "environmental class of action determination" as specified in the FDOT "Project Development and Environment Manual: Part I or dDocumentation (specified in the manual) shall be required that indicates the "class of action determination" process has been followed and is complete.

(d)4- A multi-year dDevelopment schedule listing of all source and use of funds for all project phases with projected costs for each phase by fiscal year, listing separately for the applicant and candidate projects. This should include all fund contributions in cash or in kind for projected project costs. The schedule shall depict the financing sources, projected fund amounts in each for all project phases (each listed separately) and the projected dates (fiscal year) the expenditures will would be made. Pledges and donations of land shall be included and shown as in kind contributions, and pledges of local funds to pay for debt service shall be clearly specified.

(e)5- A schedule of all (100%) engineering design activities with the estimated time frames for each activity to be accomplished.

(3)(f) Applicant Applications for final engineering design activities beyond the 60% completion stage of all engineering design plans shall also include provide the information required in paragraphs 14-88.003(2)(a) through (i), F.A.C., and the following:

(a)1- A schedule of remaining engineering design activities with the estimated time frames for each to be accomplished.

(b)2- A An acceptable plan to the Department to finance total candidate project costs to include the reimbursement of outstanding Trust Fund advances, and a current and complete source and use of funds schedule.

(c)3- Documentation that the project is financially feasible in that "pledged revenues will support debt service."

(d)4- "Letters of intent" from applicable county(ies) or municipality(ies) where the candidate project will would be constructed expressing the extent to which they are willing to pledge financial support for the candidate project and the source of the financial backing.

(4)(k) Applications for the purchase of advance right of way property shall also provide the following:

(a)1- Documentation that required right of way map(s) as defined in this Rule Chapter have been completed;

(b)2- An approved final environmental impact document, or documentation from the appropriate Florida Department of Transportation District Environmental Office indicating that "all" required actions required in the FDOT "Project Development and Environment Manual" have been taken and are complete;

(c)3- Substantive documentation from an appraiser ~~who is~~ qualified to perform appraisals for the Department FDOT (as provided in Rule 14-95.003, F.A.C.) that the value of the property will shall substantially appreciate prior to construction of the candidate project and that savings will likely shall result from the advance purchase of the property. The term "substantive" is intended to elicit information from qualified appraisers that will explain and support reasons for judging that a property will appreciate and savings will result. Statements without supporting information shall not be acceptable. Acceptance of the documentation by the appropriate District Office of Right of Way shall be required for acceptance;

(d)4- Negotiated contract(s) for the purchase of the right of way shall that includes the stipulation "the contract is subject to funding by the Department of Transportation or Legislature of Florida," ~~or~~ Property appraisals of the right of way (as defined in paragraph 14-95.002(2)(b), F.A.C.) shall be performed by an appraiser who is qualified to perform appraisals for the Department FDOT (as provided in Rule 14-95.003, F.A.C.). Acceptance by the appropriate District Office of Right of Way shall be required for ~~acceptance of the~~ negotiated contract(s) and or of the property appraisals;

(5)3- ~~To be considered for funding under the provisions of this Rule Chapter,~~ Applications must be submitted to:

Office of Financial Development Secretary of Transportation

Florida Department of Transportation

605 Suwannee Street, MS 7

Tallahassee, Florida 32399-0450

~~Attention: Office of Management and Budget~~

Applications may be submitted at any time during a fiscal year. However, applications shall be submitted at least 90 days prior to the end of the fiscal year to be considered from available fiscal year funds.

(6) A written agreement must be executed by the Department and the borrower when fund advances are awarded. The agreement shall contain uniform standard conditions and special conditions that include programmatic or financial requirements which must be satisfied by a borrower before an advance of funds can be executed. Standard conditions shall also contain the following:

- (a) Trust fund dollar amounts to be advanced;
- (b) Procedures for transfer of funds to the borrower;
- (c) Consultant selection and management requirements;
- (d) Fund expenditure and restriction requirements;

(e) Programmatic and financial reporting and audit requirements;

(f) Fund repayment requirements; and

(g) Draw-down amounts based on projected financial needs specified in approved project budget.

(7) At the time of initial bond issuance the borrower shall provide written notice to the Office of Financial Development whether the borrower elects to repay advances from initial bond proceeds or on the basis of repayment schedules. When a repayment schedule option is selected a schedule, in the form of a resolution from the borrower, shall accompany the notification. When repayment is to be made of the initial bond issue proceeds, provision shall be made for such repayment in the bond resolution and shall be repayable in full upon sale of the bonds. When bonds are not issued, repayment shall remain a requirement. In such cases, a repayment schedule in the form of a resolution from the borrower shall be furnished to the Department no later than 90 days prior to the end of the sixth year from the date of the agreement.

(8) District Secretaries of applicable districts shall actively participate in the approval of scope of work proposals and products by consultants.

(9) The borrower shall be authorized to obligate and expend trust funds and interest earnings on the basis of approved project budgets but are not authorized to use funds for administrative, audit, legal, and contingency costs, or for those items prohibited by Rule 69I-40.103, F.A.C., except that legal costs may be advanced or the right of way acquisition process. No authority is granted to obligate or expend funds, or initiate or conduct activities, that would result in the obligation of trust funds for items or activities that have not been authorized in approved project budgets, schedules or objectives. Any unauthorized expenditure of funds plus interest shall be immediately paid to the Department in accordance with a schedule approved by the Department. Amended project budgets, schedules and objectives can be requested by the borrower at any time after the execution of an agreement but approval shall be limited to achieving the objectives and activities first approved in the affected agreements.

(10) The borrower shall structure and manage consultant contracts in phases to provide for the termination and payment for work to date if a project is determined non-feasible.

(11) Upon termination of projects, unspent trust fund advances including interest earned shall be immediately remitted to the Department by the borrower. The returned proceeds shall be counted toward the repayment of the loan.

(12) The borrower shall immediately remit to the Office of Financial Development all remaining trust funds and interest earned upon completion of work approved in the agreement.

(13) Any funds including interest not committed after one year from the date of an award shall be remitted to the Office of Financial Development. A balance of proceeds can be retained sufficient to liquidate executed contracts financed by funds approved in the agreement.

(14) If a project is determined to be financially non-feasible by the Department or a borrower, further obligation of awarded project funds shall be terminated by the borrower until it is documented to and approved by the Department that it is in the best interest of the Department and the State of Florida to continue with the project.

(15) The Department is the trustee of the fund. As such, it is responsible for and shall safeguard advances from improper use or fiscal irresponsibility, and enforce the repayment of advances with interests using all legal means appropriate. In this regard, the following shall be implemented.

(a) The borrower shall provide to the Office of Financial Development progress reports on program and financial activities that occur each quarter following the execution of the agreement. Examples of program information include: program accomplishments (specific actions taken to implement approved objectives/activities and percent of accomplishments for each -0 to 100%-), problems delaying implementation, and revised project schedules if activities are not conforming to approved project schedules. Examples of financial information include: beginning fund balances, list and purpose of expenditures for each approved activity, ending fund balances for each approved activity, interest earned to date, the interest percentage rate being earned, and the amount and percent of funds being contributed to the applicant project from other sources.

(b) Program records and financial records of projects shall be maintained by the borrower separate and apart from other projects and non-project records and accounts to prevent commingling and assure a clear audit trail of all activities.

Specific Authority ~~20.23, 334.044(2), 338.251(11)~~ FS. Law Implemented ~~334.30, 343.82, 348.0004, 338.251~~ FS. History–New 1-8-86, Amended 9-22-92, \_\_\_\_\_.

14-88.0041 Submission and Award.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History–New 9-22-92, Repealed \_\_\_\_\_.

14-88.005 Administration of Trust Funds and Applicant Projects.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History–New 1-8-86, Amended 9-22-92, Repealed \_\_\_\_\_.

**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.”

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.: RULE TITLE:

19B-4.001 Application

PURPOSE AND EFFECT: To amend the New Enrollment Application and the Master Covenant with updated form numbers and effective dates.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan New Enrollment Application and Master Covenant.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 10, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 20076-10, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 20076-02, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.: 19B-16.002  
RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT: To update the New Account Application effective date and form number.

SUBJECT AREA TO BE ADDRESSED: The Florida College Savings Program application for participation.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

DATE AND TIME: September 10, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida, 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 20076-10, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-210.102  
RULE TITLE: Legal Documents and Legal Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement Section 948.6038, Florida Statutes, which requires the Department of Corrections to charge inmates and place liens on inmate accounts for the cost of postage for mail to courts, attorneys, parties to a lawsuit, and other persons required to be served.

SUBJECT AREA TO BE ADDRESSED: Postage for legal mail.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11, 945.6038 FS.

LAW IMPLEMENTED: 944.09, 944.11, 945.6038 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.102 Legal Documents and Legal Mail.

(1) through (9) No change.

(10)(a) The institution shall furnish postage for mail to courts and attorneys and for pleadings to be served upon each of the parties to a lawsuit for those inmates who have insufficient funds to cover the cost of mailing the documents at the time the mail is submitted to the mailroom, but not to exceed payment for the original and two copies except when additional copies are legally required. The inmate shall be responsible for proving that copies in addition to the routine maximum are legally necessary.

(b) At the time that postage is provided to an inmate for this purpose, the Bureau of Finance and Accounting, Inmate Trust Fund Section, shall place a hold on the inmate's account for the cost of the postage. The cost of providing the postage shall be collected from any existing balance in the inmate's trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account, subject to priorities of other liens, and all subsequent deposits to the account will be applied against the unpaid costs until the debt has been paid.

(11) through (16) No change.

Specific Authority 20.315, 944.09, 944.11, 945.6038 FS. Law Implemented 944.09, 944.11, 945.6038 FS. History--New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, 8-25-03, 9-20-04, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.: 40B-8.021  
RULE TITLES: Definitions  
40B-8.061 Minimum Surfacewater Levels and Flows for the Upper Santa Fe River

PURPOSE AND EFFECT: The purpose of the rule development is to codify minimum flows and levels for the Upper Santa Fe River within Chapter 40B-8, F.A.C. The effect



of the rule will be to provide protection for these areas from significant harm resulting from uses of ground and surface water.

**SUBJECT AREA TO BE ADDRESSED:** This proposed rule development will establish minimum flows and levels for the Upper Santa Fe River, in accordance with Rule 62-40.473, F.A.C., and Sections 373.042 and 373.0421, F.S.

**SPECIFIC AUTHORITY:** 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.103 FS.

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

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

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

**LAND AND WATER ADJUDICATORY COMMISSION**

**Braddock Community Development District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
42HHH-1.001	Establishment
42HHH-1.002	Boundary
42HHH-1.003	Supervisors

**PURPOSE AND EFFECT:** The petition, as revised, filed by Crosswinds-Florida, LLC, requests the Commission establish a community development district located entirely within the City of Jacksonville, Florida. The land area proposed to be served by the District comprises approximately 2,346 acres. A general location map is contained as Exhibit 1 to the petition, as revised, to establish the District. The proposed land area is generally located east and northeast of U.S. Highway 1, southeast of Thomas Creek and Lannie Road, west of the Jacksonville International Airport, and north of Dunn Avenue and I-295. There is one out-parcel located within the external boundaries of the proposed District to be excluded from the District. The out-parcel consists of 30 parcels and a list of the current owners' names and addresses is contained in Exhibit 4 to the petition, as revised. The Petitioner has obtained written consent to establish the District from the owners of 100% of the real property located within the proposed District. The proposed development within the District may include single family units, multi-family units, commercial use, office use, community activities use and other uses. The District plans to finance certain master infrastructure improvements within the District boundaries. These improvements include complete construction of the master infrastructure including roadways,

recreational facilities, linear park, wetland mitigation, and neighborhood infrastructure (paving, drainage, lighting and conduit).

**SUBJECT AREA TO BE ADDRESSED:** Establishment of the Braddock Community Development District.

**SPECIFIC AUTHORITY:** 190.005 FS.

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

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

**DATE AND TIME:** Thursday, September 13, 2007, 10:00 a.m.

**PLACE:** Room 2107, The Capitol, 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 five days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Chasity H. O'Steen, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, Telephone (850)877-6555; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
69O-204.101	Disclosures to Viator of Disbursement

**PURPOSE AND EFFECT:** To establish disclosures to viators of reconciliation of funds.

**SUBJECT AREA TO BE ADDRESSED:** Disclosures.

**SPECIFIC AUTHORITY:** 626.9925 FS.

**LAW IMPLEMENTED:** 626.9925 FS.

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

DATE AND TIME : September 11, 2007, 9:00 a.m.  
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bernie Stoffel, Bureau of Specialty Insurers, Office of Insurance Regulation, E-mail Bernie.stoffel@fldfs.com

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 Elections

RULE NOS.:	RULE TITLES:
1S-2.0011	Constitutional Amendment Ballot Position
1S-2.009	Constitutional Amendment by Initiative Petition
1S-2.0091	Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification
1S-2.0095	Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification

**PURPOSE AND EFFECT:** The purpose of the proposed rules amendments is to implement the amendments to Section 100.371, Florida Statutes, as amended in section 25 of Chapter 2007-30, Laws of Florida, which pertain to the process for citizen constitutional initiative petitions and for revocation of signatures on constitutional initiative petitions.

**SUMMARY:** The proposed rules provide the requirements for constitutional initiative petitions, revocation petitions and for obtaining ballot position for proposed constitutional amendments. The proposed rules also provide, among other

items, the requirements for valid signature verification, imposition of a 30-day timeframe for signature verification, creation of the initiative petition revocation process, and the incorporation of an amended initiative petition form and a newly created petition revocation form.

**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.

**SPECIFIC AUTHORITY:** 20.10(3), 97.012(1), 100.371, 101.161 FS.

**LAW IMPLEMENTED:** Art. XI, Fla. Cont., 100.371, 101.161 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, September 17, 2007, 1:30 p.m. – 2:30 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 200 S. 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 5 days before the workshop/meeting by contacting: Lisa Ginn or Nolah Shotwell, Administrative Assistant, Office of General Counsel, Florida Department of State at (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: Gary J. Holland, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6536. Copies of the proposed rule are also available by contacting the Office of General Counsel at (850)245-6536, or online from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html> or from the Department of State's E-rulemaking program at: [www.flrules.org](http://www.flrules.org). Comments regarding the rule may also be submitted online via the E-rulemaking program.

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-2.0011 Constitutional Amendment Ballot Position.

(1) The Director of the Division of Elections shall assign in the following manner a designating number to any proposed revision or amendment to the State Constitution for placement on the general election ballot: