

MEETING OF THE GOVERNOR AND CABINET
AS HEAD OF THE DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES

October 9, 2012
AGENDA

Agency Contact: Jennifer Langston, 850-617-3195

<http://www.flhsmv.gov/agenda/2012/100912Agenda.pdf>

1. Respectfully submit the minutes for the June 26, 2012 and August 7, 2012 Cabinet Meetings.

Attachment #1.
Recommend Approval.

2. Respectfully request final adoption of (56) Proposed Rules for Repeal of various sections of Rule No.15 in the Florida Administrative Weekly which contain obsolete or unnecessary provisions.

Attachment #2.
Recommend Approval.

3. Respectfully request final adoption of a draft rule amendment in the Florida Administrative Weekly for Notice of Proposed Rulemaking of Rule No.15B-2.013, Approved Speed Measuring Devices, to add laser devices approved since last revision.

Attachment #3.
Recommend Approval.

4. Respectfully request final adoption of a draft rule amendment for Notice of Proposed Rulemaking for Rule No. 15B-2.016, Tests to Determine Accuracy of Laser Speed Measuring devices, to revise form.

Attachment #4
Recommend Approval.

T H E C A B I N E T
S T A T E O F F L O R I D A

Representing:

DIVISION OF EMERGENCY MANAGEMENT

ENTERPRISE FLORIDA

OFFICE OF FINANCIAL REGULATION

OFFICE OF INSURANCE REGULATION

CITIZENS PROPERTY INSURANCE

PAROLE COMMISSION

DEPARTMENT OF REVENUE

BOARD OF TRUSTEES, INTERNAL IMPROVEMENT TRUST FUND

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

DIVISION OF BOND FINANCE

The above agencies came to be heard before
THE FLORIDA CABINET, Honorable Governor Scott
presiding, in the Cabinet Meeting Room, LL-03,
The Capitol, Tallahassee, Florida, on Tuesday, June
26, 2012, commencing at 9:08 a.m.

Reported by:

CAROLYN L. RANKINE

Register Professional Reporter

Notary Public

ACCURATE STENOGRAPHY REPORTERS, INC.

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(CONTINUED INDEX:)

*BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
TRUST FUND*

(Presented by HERSCHEL T. VINYARD, JR.)

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DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

(Presented by EXECUTIVE SECRETARY JULIE JONES)

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OFFICE OF INSURANCE REGULATION

(Presented by COMMISSIONER KEVIN McCARTY)

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DIVISION OF BOND FINANCE

(Presented by BEN WATKINS)

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1 GOVERNOR SCOTT: Next I'd like to
2 recognize Julie Jones with the Department of
3 Highway Safety and Motor Vehicles. Good
4 morning.

5 EXECUTIVE DIRECTOR JONES: Good morning,
6 Governor and Cabinet Members. As to the
7 question on road closures, we post all the
8 closures that we're made aware of through local
9 government on our Web site, on the emergency --
10 on Director Koon's Web site, but we've also
11 started posting on our Facebook. So we're
12 trying to push as many of those. And we do
13 news releases, but we don't do PSAs, because
14 it's such a changing situation, we just keep
15 those lists updated. But we'll try to figure
16 that out --

17 GOVERNOR SCOTT: Local radio has all that
18 information, right?

19 EXECUTIVE DIRECTOR JONES: Yes, they do.
20 Good morning. We have three --

21 GOVERNOR SCOTT: Julie, do you push it out
22 or do they find it? How do you do it?

23 EXECUTIVE DIRECTOR JONES: No, we push it
24 out.

25 GOVERNOR SCOTT: Yeah, okay. So you're

1 doing the right stuff.

2 EXECUTIVE DIRECTOR JONES: Today we have
3 three items for your consideration and
4 approval. The first item we respectfully
5 request your approval for the minutes for the
6 April 24th Cabinet meeting.

7 GOVERNOR SCOTT: Is there a motion for
8 approval?

9 ATTORNEY GENERAL BONDI: So moved.

10 GOVERNOR SCOTT: Is there a second?

11 CFO ATWATER: Second.

12 GOVERNOR SCOTT: Moved and seconded. The
13 item is approved without objection.

14 EXECUTIVE DIRECTOR JONES: Item number 2
15 we respectfully request your approval for final
16 adoption for the repeal of 66 rules for
17 administrative codes 15A, 15B, 15C, that are
18 duplicative or no longer necessary.

19 GOVERNOR SCOTT: Is there a motion to
20 approve?

21 ATTORNEY GENERAL BONDI: So moved.

22 GOVERNOR SCOTT: Is there a second?

23 COMMISSIONER PUTNAM: Second.

24 GOVERNOR SCOTT: Moved and seconded. The
25 item is approved without objection.

EXECUTIVE DIRECTOR JONES: Item number 3.

We respectfully request approval for the Department's 2012-2013 annual performance contract. This contract contains the same performance standards and measures that are in our current contract but most importantly it is linked to our annual strategic plan that focuses on our four primary goals for public safety, reliable service delivery, leveraging technology, and talent creation and development. Our guiding principles require this document be a current functional representation of our work, be accurate, and focus our performance measures to reflect accountability.

This year we've identified opportunities to strengthen and update our performance plan. We're adding five new measures and standards to reflect activities and/or new operational priorities. Specifically one addition is tracking of the percent of uninsured motorists. So we will be reporting on that quarterly for you with all the discussion on PIP and how that's going this year.

And another is the effectiveness of data

1 and system security preventive measures. With
2 AEIT going away, the Department has taken on
3 the cyber security unit that was in AEIT and
4 put them to work on our systems. So we're
5 going to be reporting on that, and making any
6 of our information available to all agencies.

7 We've removed two standards because
8 they're no longer being provided by the
9 Department or are no longer considered a
10 performance indicator. We're not doing
11 temporary operating permits any more, and we've
12 shifted the emergency contact information
13 participation monitoring out of the performance
14 plan to a division level. And I can continue
15 to update any milestones there, but over half
16 our drivers now are participating and it's not
17 really a good indicator of our leveraging
18 technology now.

19 And lastly we modified 12 of our current
20 measures or standards. The majority of these
21 modifications we more clearly defined how we
22 measure our performance. We also raised the
23 bar on five of them. So we're going to do more
24 commercial vehicle inspections, more timely
25 completion of law enforcement investigations,

1 more timely completion of field investigative
2 intelligence reports, more electronic titles,
3 and more leadership training.

4 Now, there's one area in leveraging
5 technology standards 31 and 32, we've not
6 modified them, but -- and we're still striving
7 for 99.9 percent uptime, but as we -- in our
8 data center. But as we shift our data center
9 operation from Highway Safety to the Northwood
10 Shared Resource Center, we're entering a period
11 of uncertainty.

12 Our Oracle and SQL Server customers
13 include law enforcement agencies, some of our
14 data users, and our tax collectors, and it's
15 very important that the Department provide data
16 to those various entities for transactional
17 services. They rely on us to have near a
18 hundred-percent uptime.

19 Northwood Shared Resource Center has
20 agreed to meet that standard in our service
21 level agreement associated with its
22 consolidation effort, but with some caveats.
23 And so we'll continue to report these
24 performance measures quarterly and hopefully be
25 able to work through not only the transition

1 but also the change in management of our data
2 center.

3 That's 37 measures tied to our agency
4 plan. One of the things we've been working
5 very hard to accomplish is developing a forward
6 and very strategic-thinking department. We'll
7 be updating our strategic planning and our
8 tactics associated with this upon approval and
9 our agency dashboard on the Web site so with
10 that I respectfully request for our annual plan
11 2012-2013.

12 GOVERNOR SCOTT: Okay. Any questions?

13 (No response.)

14 THE GOVERNOR: Is there a motion to
15 approve?

16 ATTORNEY GENERAL BONDI: So moved.

17 GOVERNOR SCOTT: Is there a second?

18 CFO ATWATER: Second.

19 THE GOVERNOR: Moved and seconded. The
20 item is approved without objection. I think
21 everybody says the same thing, thanks for all
22 your hard work, you do a great job running your
23 agency and you do a great service to the
24 state.

25 COMMISSIONER PUTNAM: Don't go to the

senate.

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T H E C A B I N E T
S T A T E O F F L O R I D A

Representing:

DIVISION OF BOND FINANCE

STATE BOARD OF ADMINISTRATION

FINANCIAL SERVICES COMMISSION, INSURANCE REGULATION

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

The above agencies came to be heard before
THE FLORIDA CABINET, the Honorable Governor Scott
presiding, in the Cabinet Meeting Room, LL-03, The
Capitol, Tallahassee, Florida, on Tuesday, August 7,
2012, commencing at approximately 9:20 a.m.

Reported by:

MARY ALLEN NEEL

Registered Professional Reporter

Florida Professional Reporter

Notary Public

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I N D E X

DIVISION OF BOND FINANCE
(Presented by BEN WATKINS)

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STATE BOARD OF ADMINISTRATION
(Presented by ASH WILLIAMS)

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FINANCIAL SERVICES COMMISSION, INSURANCE REGULATION
(Presented by KEVIN McCARTY)

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DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
(Presented by JULIE JONES)

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1 GOVERNOR SCOTT: All right. Now I would like
2 to recognize Julie Jones with the Department of
3 Highway Safety and Motor Vehicles.

4 Good morning, Julie.

5 MS. JONES: Good morning, Governor and Cabinet
6 members. I have four agenda items for your
7 consideration and approval today.

8 Item Number 1, we respectfully request
9 approval to publish the notice to repeal 56 rules
10 in various sections of Florida Administrative Code
11 15. These rules contain obsolete or unnecessary
12 provisions related to the Department's organization
13 and policies.

14 GOVERNOR SCOTT: Is there a motion to approve
15 the item?

16 COMMISSIONER PUTNAM: So moved.

17 GOVERNOR SCOTT: Is there a second?

18 ATTORNEY GENERAL BONDI: Second.

19 GOVERNOR SCOTT: Moved and seconded. The item
20 is approved without objection.

21 MS. JONES: Item Number 2, we respectfully
22 request approval to publish a notice of proposed
23 rulemaking for Rule 15B-2.013 related to approved
24 speed measuring devices. This draft rule amendment
25 would update the list of Florida Highway Patrol

1 approved speed measuring devices for law
2 enforcement in the state.

3 GOVERNOR SCOTT: Is there a motion to approve
4 the item?

5 ATTORNEY GENERAL BONDI: So moved.

6 GOVERNOR SCOTT: Is there a second?

7 CFO ATWATER: Second.

8 GOVERNOR SCOTT: Moved and seconded. The item
9 is approved without objection.

10 MS. JONES: Item Number 3, we respectfully
11 request approval to publish a notice of proposed
12 rulemaking for Rule 15B-2.016, and this is related
13 to the tests to determine the accuracy of speed --
14 laser speed measuring devices. This draft rule
15 amendment revises a form to remove an outdated
16 reference to microwatt measurements that is no
17 longer relevant.

18 GOVERNOR SCOTT: Is there a motion to approve
19 the item?

20 ATTORNEY GENERAL BONDI: So moved.

21 GOVERNOR SCOTT: Is there a second?

22 CFO ATWATER: Second.

23 GOVERNOR SCOTT: Moved and seconded. The item
24 is approved without objection.

25 MS. JONES: Thank you. My last item, Item 4,

1 we respectfully request approval for the
2 Department's annual performance report for fiscal
3 year 2011-12.

4 Revenue collections are up, and economic
5 indicators continue to be positive. Growth was
6 observed in our financial responsibility
7 collections, original license plates, and certain
8 titles transactions. Of note, the purchase of
9 original license plates increased 3.8 percent,
10 which is about \$75.6 million. This is a
11 combination of people moving into Florida, new
12 residents; residents adding a vehicle to their
13 fleet without replacing it; and then also, some
14 changes to personalized and specialized plates
15 where people have elected to spend a little bit
16 more money on their license plates.

17 I would like to highlight some of the
18 important items that we track in the first part of
19 our report, our facts and figures. The number of
20 vehicle miles driven in the state decreased. We
21 saw a corresponding reduction in crashes, total
22 fatalities, and total citations written by the
23 Patrol. On the other hand, the Patrol had a
24 13 percent increase in felony arrests -- this is
25 the criminal interdiction that they do on the roads

1 -- and a 1.4 percent increase in arrests related to
2 stolen vehicles.

3 Last year our Motor Services Division issued
4 more licenses, driver's licenses, ID cards, dealer
5 licenses, and vehicle registrations. We also saw
6 an increased participation in our emergency contact
7 information system and our organ donor programs.

8 Last year we received and investigated fewer
9 consumer complaints against car dealers and
10 sanctioned fewer drivers. This reflects better
11 dealer compliance and a more timely -- the
12 completion in a more timely manner of transactions
13 by car dealers, less enforcement on our part.

14 Forty-one percent of our driver's licenses and
15 ID cards are now Real ID compliant. We're ahead of
16 schedule, and we're well on our way to make our
17 deadline imposed by federal law to have all our
18 driver's licenses compliant with the Real ID
19 process by December 1 of 2017.

20 Lastly, we continue to transition services to
21 county tax collectors. As of June 30th, we have
22 driver's license services offered in 160 tax
23 collector offices in 55 counties.

24 The annual report reflects the positive trends
25 that we've been talking about during the entire

1 past year. We closed out 28 of our 34 measures in
2 the green, having met our goals. Under our public
3 safety goal, fatalities, crashes, and injuries are
4 all down slightly. We saw a significant decrease
5 of 17.2 percent in commercial vehicle crashes and a
6 slight .4 percent decrease in crashes involving
7 teens.

8 Nationally, states are finalizing their data
9 for fatality rates. Preliminary estimates based on
10 numbers of fatalities per 100,000 miles driven in
11 Florida, we're probably going to be at 1.25 again,
12 which is what we had last year. We're going to
13 wait to see how the numbers from other states come
14 out. Last year, as you remember, Governor, you
15 asked me to benchmark that, where we are. We were
16 slightly ahead, meaning a lower number of crashes,
17 number 34. But we're slightly ahead of Texas,
18 which we kind of compare ourselves to as a peer
19 state. And we'll report back where we are. That
20 should be sometime in October when those numbers
21 are completed.

22 On a related issue, I would like to update you
23 on the I-75 crash investigation. As you know,
24 there were two sets of multiple fatalities on I-75
25 in January. On Friday the Patrol will be releasing

1 the investigations associated with the crashes as
2 well as their response to the Florida Department of
3 Law Enforcement report.

4 The investigation and report are very
5 detailed, and I think many of the questions posed
6 by the media and others on this incident are going
7 to be answered in this report. Colonel Brierton
8 will be briefing your staff and FDLE sometime this
9 week prior to the release of the report.

10 I would ask patience on the part of the media
11 and all those that are interested in this
12 investigation. It's very complex. There's a lot
13 of information in these reports. And although
14 we're releasing the crash investigations, all of
15 the associated homicide investigations are not
16 available from the state attorney's office. The
17 state attorney has completed the northbound
18 investigations, not approving the charges for the
19 southbound.

20 We also have pending litigation. We have at
21 least 11 lawsuits at last count that the agency is
22 involved in. And because of that, the Patrol is
23 not going to be responding to requests for
24 interviews from the media. We'll let the crash
25 reports and the response to the FDLE report stand

1 on its own.

2 Now back to my report. The public safety
3 gauge for alcohol-related fatalities slipped into
4 the yellow, as we saw an 8.9 percent spike.
5 Despite the gauge, the Florida Highway Patrol's DUI
6 citations were actually up 5.9 percent. We
7 routinely participate in local and nationally
8 sponsored DUI programs for enforcement. One of the
9 big national ones is the Drive Sober or Get Pulled
10 Over. I keep -- every now and again I'll say
11 "Drive Sober and Get Pulled Over," but that could
12 happen too. But we're trying to partner with as
13 many departments as we can to get more information
14 out to try to educate drivers.

15 The Patrol writes about 20 percent of DUI
16 citations statewide, and we rely on our other law
17 enforcement partners in the state to do enforcement
18 in their specific jurisdictions. So in order to
19 move this gauge, we're going to carefully analyze
20 the data this year and coordinate our education and
21 enforcement efforts with all our state law
22 enforcement partners to try to move this gauge back
23 into the green.

24 Reliable service delivery is still in the red,
25 but we made great progress this past year. We

1 continue to maintain a very high standard. And,
2 CFO, you last year when I put this measure up said,
3 "Are you sure that you want to say 95 percent wait
4 time in driver's license offices?" And I still
5 maintain that we can get there, even with Real ID.
6 Although this gauge is in the red, I'm very pleased
7 to tell you that overall performance has steadily
8 increased. In the last quarter, we had 80 percent
9 of our customers served in less than 30 minutes or
10 less. So this is a 23 percent increase from where
11 we started last year, and we'll continue to march
12 toward a green status in this gauge.

13 A very similar story for our the customer
14 service numbers: Although the gauge still remains
15 in yellow, our numbers have improved over the last
16 quarter as customer satisfaction has averaged
17 84 percent in the last three months.

18 We have solid performance for our leveraging
19 technology measures, but we have two yellow gauges
20 in this area, and this is the timely development
21 and implementation of new projects, and then the
22 time we spent on research and development. These
23 two measures are directly affected by our efforts
24 to prepare for data center consolidation. We're
25 not going to be able to focus on R&D and new

1 projects until we've successfully completed data
2 center migration and we resume normal IT
3 operations.

4 Lastly, our numbers for talent creation and
5 development are outstanding. We had a very
6 successful year building a workplace environment
7 that I believe supports and values our members.
8 I'm very proud of what staff has accomplished this
9 past year and recognize that there's always room
10 for improvement, and we continue to strive for
11 better and better measures. We're going to
12 continue to examine our performance and look for
13 ways to be more effective and efficient in
14 delivering quality service to the people of the
15 State of Florida.

16 So with that, I'll be glad to answer any
17 questions.

18 GOVERNOR SCOTT: And you've also -- you've
19 hired a lot of veterans. This last year you put a
20 good program together; right?

21 MS. JONES: We have been hiring veterans for
22 the Patrol. And I've just, Commissioner Putnam, at
23 the trucking association met with a big trucking
24 company that was actually there from Maryland, and
25 then two, Florida Rock and Stone and another from

1 Florida, that are very interested in hiring
2 veterans that have commercial driver's licenses
3 coming out of the military as truck drivers. And
4 I've gotten with Colonel Sutphin, and we're going
5 to work on that as well. So, yes, sir.

6 GOVERNOR SCOTT: All right. Any other
7 questions?

8 CFO ATWATER: Yes, Governor.

9 GOVERNOR SCOTT: Sure.

10 CFO ATWATER: Colonel, thank you. I just want
11 to go to -- be sure I understand the report coming
12 out Friday, or the process for the report coming
13 out on Friday. Thank you. And I appreciate you
14 expressing the complexity of the different
15 investigations that have taken place, and it sounds
16 as if maybe they're still ongoing, still some
17 ongoing.

18 MS. JONES: Yes, sir.

19 CFO ATWATER: Okay. If something of this --
20 that's this complex in nature -- and I take it
21 because of the different jurisdictions and the
22 amount of information. I thought that I had -- I
23 want to be sure I heard this correctly, that you
24 said the report will speak for itself. What I want
25 to be sure of is that those who are trying to

1 interpret the complexity of that report may have
2 legitimate questions, and they need to find peace
3 and be comfortable that they have drawn the
4 appropriate conclusions. Who will be the
5 individuals speaking that are providing clarity if
6 there is that need for clarity after something that
7 complex has been reviewed?

8 MS. JONES: Lieutenant Colonel Duarte will
9 take the point for especially answering questions
10 relative to the crash investigations, because
11 there's methodology specific and some very
12 technical nuances associated with the actual crash
13 investigations. And certainly we will be
14 responding to questions on the results from the
15 actual crash investigations.

16 My concern is our response to the FDLE report.
17 We are very specific and in a very collegial manner
18 have answered, I think, all of the concerns that
19 came out in the FDLE review of our policies and
20 procedures. That will be much more difficult to
21 answer directly because of the litigation.

22 CFO ATWATER: Okay. But you're making
23 available the appropriate members of your staff to
24 be able to answer questions about the information
25 you're going to be providing?

1 MS. JONES: Absolutely. Yes, sir.

2 CFO ATWATER: Okay. Very good. Thank you.

3 GOVERNOR SCOTT: Thank you. Anything else?

4 All right. Is there a motion to approve the
5 item?

6 COMMISSIONER PUTNAM: I'll move the approval.

7 GOVERNOR SCOTT: Is there a second?

8 CFO ATWATER: Second.

9 GOVERNOR SCOTT: Moved and seconded. The item
10 is approved without objection. Thank you very
11 much, Julie.

12 COMMISSIONER PUTNAM: Governor, I just have a
13 few questions. I was slow to get in.

14 On the crash numbers that you're making some
15 progress in, is there a correlation between rental
16 car, car rentals, states that have a
17 disproportionately high number of people who are
18 unfamiliar with the roads, unfamiliar with -- in
19 other words, are our numbers high because we've got
20 a lot of people, internationally and domestically,
21 who are here for the first time, who are trying to
22 get over six lanes of traffic and have an accident
23 and drive up our crash numbers than, say, a state
24 that would have lower tourism numbers and lower
25 rates of people who are unfamiliar with our

1 roadways?

2 MS. JONES: Absolutely. It's not only rental
3 car. It's the number of visitors that we have
4 traveling into the state from other states as well.
5 So we have a huge number -- seasonal spikes in
6 numbers of vehicles on the roads, in urban areas
7 typically, think Orlando and Disney World.

8 We have also have a large number -- we have
9 18-1/2 million vehicles on the road. So we're
10 number three or four in the country relative to
11 numbers of vehicles, so to say that we're number 34
12 in crashes is actually pretty good. So compared to
13 our peer states, that number is good, and we're
14 continuing to try to push that number down.

15 But we have -- also, we have -- we can talk
16 about the weather in the northern states being poor
17 and being more crash prone, but we have constant
18 use of our roads, high activity 24/7, 365 days a
19 year because of also the climate and, as the
20 Governor likes to talk about, the wonderful state
21 that we can live and recreate in. So we --

22 GOVERNOR SCOTT: And we all want to be here.

23 MS. JONES: Yes, sir. So the tourism, but
24 just the environment itself lends to a lot of
25 activity on the roads.

1 COMMISSIONER PUTNAM: And is it too early to
2 tell whether the new laws that are restricting new
3 drivers, young drivers -- has enough time passed to
4 determine whether those have had any measurable
5 effect or statistically significant effect, forcing
6 people to wait six months and all the different
7 things that we put in place?

8 MS. JONES: The State of Florida was the first
9 state to implement graduated driver's licenses for
10 teens in the nation, and since then, some 10 or 15
11 years, our laws have fallen behind slightly other
12 states. Other states have continued to kind of
13 raise the bar on teens, numbers of passengers
14 allowed prior to a driver's license, times that
15 they're allowed to drive, you know, past midnight,
16 past 11 o'clock, and also texting and cell phone
17 use. We don't have those laws on our books.

18 So our teen driver crashes are down, but
19 compared to nationally, nationally the teen driver
20 numbers are down by almost 50 percent. Florida's
21 numbers over that same period of time, that 10- or
22 15-year period, is only 25 percent.

23 So the Department in my legislative report
24 that will probably be in September, early October,
25 we're considering legislation to raise the bar in

1 certain areas for teen drivers in order to bring
2 Florida up into that a 50 percent range. So I'm
3 going to bring some suggestions back to the Cabinet
4 relative to that issue.

5 COMMISSIONER PUTNAM: Thank you very much.
6 Thank you, Governor.

7 GOVERNOR SCOTT: Thank you, Julie.

8 MS. JONES: Thank you.

9 GOVERNOR SCOTT: This concludes the Cabinet
10 meeting. Our next meeting will be August 21st in
11 the great City of Tallahassee. We are adjourned.

12 (Proceedings concluded at 10:10 a.m.)

Rule	Title	Description of Rule	Reason for Repeal
15-1.001	Agency Composition	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.002	Internal Department Organization	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.003	Division of Florida Highway Patrol	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.004	Division of Driver Licenses	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.005	Division of Motor Vehicles	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.006	Division of Administrative Services	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.007	Public Records, Inspection	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.008	Public Access to Proceedings	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.009	Applications for Employment	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.010	Statutory Chapters and Rules	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.011	Affirmative Action Plan	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule.
15-1.013	Forms; Division of Administrative Services	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented (s. 120.53(1), F.S.) has been modified and no longer authorizes this rule. In addition, JAPC no longer approves of "Forms rules."

Rule	Title	Description of Rule	Reason for Repeal
15-1.014	Forms; Division of Driver Licenses	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	JAPC no longer approves of "Forms rules."
15-1.015	Forms; Division of Florida Highway Patrol	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	JAPC no longer approves of "Forms rules."
15-1.016	Forms; Division of Motor Vehicles	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	JAPC no longer approves of "Forms rules."
15-1.017	Volunteers	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The statutory authority of s. 110.503(2), F.S., no longer grants authority to individual agencies; it requires DMS to issue uniform "volunteer worker" rules for all agencies.
15-2.001	Procedure	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The statutory authorities in s. 20.05(5), F.S., and 120.565, F.S., have been repealed, and the statutory authority of s. 120.53(1)(c) - (d) no longer grants rulemaking authority for these purposes.
15-2.002	Designation of the Agency Clerk	As required by former versions of s. 120.53(1), F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The statutory authorities in s. 20.05(5), 120.59(1), and 120.52(9), F.S. have been repealed. The authorities in 120.53(1)(a) - (b), F.S. have been modified and no longer grant rulemaking authority for these purposes.
15-2.003	Disputes on Bidding or the Letting of Contracts	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The statutory authority in 120.53(5), F.S. has been repealed. Uniform bidding rules are managed by DMS in Chapter 60A-1, F.A.C.
15-2.004	Designation of Official Reporter	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The law implemented, s. 120.53(4), F.S., no longer authorizes this rule.
15-2.005	Authority	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (s. 120.53, F.S., <i>et seq</i>) no longer authorize agencies to make rules - the Department of State makes uniform rules regarding the indexing and filing of final orders.
15-2.006	Purpose	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (s. 120.53, F.S., <i>et seq</i>) no longer authorize agencies to make rules - the Department of State makes uniform rules regarding the indexing and filing of final orders.
15-2.007	Indexing, Listing and Numbering	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (s. 120.53, F.S., <i>et seq</i>) no longer authorize agencies to make rules - the Department of State makes uniform rules regarding the indexing and filing of final orders.
15-2.008	Final Orders Required to be Indexed	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (s. 120.53, F.S., <i>et seq</i>) no longer authorize agencies to make rules - the Department of State makes uniform rules regarding the indexing and filing of final orders.

Rule	Title	Description of Rule	Reason for Repeal
15-2.009	Listing of Final Orders	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (s. 120.53, F.S., <i>et seq</i>) no longer authorize agencies to make rules - the Department of State makes uniform rules regarding the indexing and filing of final orders.
15-2.010	Numbering of Final Orders	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (s. 120.53, F.S., <i>et seq</i>) no longer authorize agencies to make rules - the Department of State makes uniform rules regarding the indexing and filing of final orders.
15-4.001	Definitions	The rule relates to agency leases of real property.	The rulemaking authority in s. 255.25, F.S., no longer authorizes agencies to make rules - DMS makes uniform rules regarding leases for real property.
15-4.002	Policies and Procedures	The rule relates to agency leases of real property.	The rulemaking authority in s. 255.25, F.S., no longer authorizes agencies to make rules - DMS makes uniform rules regarding leases for real property.
15-6.001	Policy Statement	The rule relates to agency policies regarding sexual harassment.	Section 110.1221, F.S., required DMS to promulgate uniform rules for all agencies. This 1995 statute appears to supercede the 1983 rule.
15-6.002	Definition of Sexual Harassment	The rule relates to agency policies regarding sexual harassment.	Section 110.1221, F.S., required DMS to promulgate uniform rules for all agencies. This 1995 statute appears to supercede the 1983 rule.
15-6.003	Training Requirements	The rule relates to agency policies regarding sexual harassment.	Section 110.1221, F.S., required DMS to promulgate uniform rules for all agencies. This 1995 statute appears to supercede the 1983 rule.
15-6.004	Disciplinary Action	The rule relates to agency policies regarding sexual harassment.	Section 110.1221, F.S., required DMS to promulgate uniform rules for all agencies. This 1995 statute appears to supercede the 1983 rule.
15-6.005	Designation of Persons to Receive and Investigate Complaints	The rule relates to agency policies regarding sexual harassment.	Section 110.1221, F.S., required DMS to promulgate uniform rules for all agencies. This 1995 statute appears to supercede the 1983 rule.
15-6.006	Procedure for Filing Complaint	The rule relates to agency policies regarding sexual harassment.	Section 110.1221, F.S., required DMS to promulgate uniform rules for all agencies. This 1995 statute appears to supercede the 1983 rule.
15-6.007	Investigation Procedure and Complaint Disposition	The rule relates to agency policies regarding sexual harassment.	Section 110.1221, F.S., required DMS to promulgate uniform rules for all agencies. This 1995 statute appears to supercede the 1983 rule.
15-6.008	Time Limitations for Intake, Investigation, Formal and Informal Disposition	The rule relates to agency policies regarding sexual harassment.	Section 110.1221, F.S., required DMS to promulgate uniform rules for all agencies. This 1995 statute appears to supercede the 1983 rule.
15-6.009	Complainants Right to Seek Remedy Outside of the Department	The rule relates to agency policies regarding sexual harassment.	Section 110.1221, F.S., required DMS to promulgate uniform rules for all agencies. This 1995 statute appears to supercede the 1983 rule.
15-12.001	Application of Rules	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.002	Membership of Florida Cabinet	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.003	Meetings and Notice	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.

Rule	Title	Description of Rule	Reason for Repeal
15-12.004	Presiding Officer	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.005	Quorum	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.006	Agendas	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.007	Distribution of Agendas	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.008	Recording of Proceedings	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.009	Minutes	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.010	Order of Procedure	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.011	Quarterly Reports	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.012	Agency Action	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.013	Voting	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.014	Amendment to Rules	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.
15-12.015	Parliamentary Matters	As required by former versions of s. 120.53, F.S., these rules provide the "general course and method of... operations," and the "nature and requirements of all formal and informal procedures."	The rulemaking authority and laws implemented (ss. 120.53(1) and 120.54(9), F.S.) no longer authorize the agency to make rules regarding Cabinet meetings.

Rule	Title	Description of Rule	Reason for Repeal
15-13.001	Definitions	The rule relates to minority and small business procurement.	The rulemaking authority and law implemented, s. 287.0947, F.S., no longer authorizes agencies to make rules in regard to MBE matters. Further, according to a statutory footnote, it appears that s. 287.0947, F.S., expired on Oct 1, 1995, notwithstanding subsequent amendments to that statute.
15-13.002	Purpose and Scope	The rule relates to minority and small business procurement.	The rulemaking authority and law implemented, s. 287.0947, F.S., no longer authorizes agencies to make rules in regard to MBE matters. Further, according to a statutory footnote, it appears that s. 287.0947, F.S., expired on Oct 1, 1995, notwithstanding subsequent amendments to that statute.
15-13.003	Goal	The rule relates to minority and small business procurement.	The rulemaking authority and law implemented, s. 287.0947, F.S., no longer authorizes agencies to make rules in regard to MBE matters. Further, according to a statutory footnote, it appears that s. 287.0947, F.S., expired on Oct 1, 1995, notwithstanding subsequent amendments to that statute.
15-13.004	Procedures	The rule relates to minority and small business procurement.	The rulemaking authority and law implemented, s. 287.0947, F.S., no longer authorizes agencies to make rules in regard to MBE matters. Further, according to a statutory footnote, it appears that s. 287.0947, F.S., expired on Oct 1, 1995, notwithstanding subsequent amendments to that statute.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15-1

REPEAL RULES

RULE NUMBERS: RULE TITLE:

15-1.001: Agency Composition
15-1.002: Internal Department Organization
15-1.003: Division of Florida Highway Patrol
15-1.004: Division of Driver Licenses
15-1.005: Division of Motor Vehicles
15-1.006: Division of Administrative Services
15-1.007: Public Records, Inspection
15-1.008: Public Access to Proceedings
15-1.009: Applications for Employment
15-1.010: Statutory Chapters and Rules
15-1.011: Affirmative Action Plan
15-1.013: Forms; Division of Administrative Services
15-1.014: Forms; Division of Driver Licenses
15-1.015: Forms; Division of Florida Highway Patrol
15-1.016: Forms; Division of Motor Vehicles
15-1.017: Volunteers

Summary of Rule

These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

Statement of Facts and Circumstances Justifying the Rule

In light of the Governor's Comprehensive Rule Review (Executive Order 11-72) and the Enhanced Biennial Review (s. 120.745, F.S.), the Department has conducted a review of all of its administrative rules and has identified many candidates for repeal throughout Chapter 15, F.A.C. In almost all cases, the rule proposed for repeal is either duplicative of existing statutory language, or authority for the rule has been repealed. A chart is attached to this notice as Exhibit 1, to further explain the agency's decision to propose repeal of each rule. The proposed repeals do not appear to require a Statement of Estimated Regulatory Costs, nor do they appear to require legislative ratification.

Federal Standards Statement

The proposed repeals do not appear to implicate or otherwise relate to federal standards or rules.

Summary of Hearing

The proposed rules were noticed in the August 17, 2012, Florida Administrative Weekly, Volume 38, Number 33, setting out a Public Hearing for September 10, 2012. No request for a hearing was received by the agency, and no hearing was held.

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- ☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and
- ☒ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- ☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
- ☒ (a) Are filed not more than 90 days after the notice; or
- ☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
- ☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
- ☐ (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
- ☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
- ☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
- ☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or
- ☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15-1.001

15-1.002

15-1.003

15-1.004

15-1.005

15-1.006

15-1.007

15-1.008

15-1.009

15-1.010

15-1.011

15-1.013

15-1.014

15-1.015

15-1.016

15-1.017

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie Jones

Executive Director
Title

Department of Highway Safety and Motor Vehicles
Agency

16
Number of Pages Certified

Chapter 15-1 Organization and Operation

15-1.001 Agency Composition.

~~(1) The Department of Highway Safety and Motor Vehicles is a component department of the executive branch of the government of the State of Florida authorized by Article IV, Section 6, Florida Constitution and created by Section 20.24, F.S.~~

~~(2) The head of the Department is the Governor and Cabinet.~~

~~(3) An Executive Director is appointed by and serves at the pleasure of the Governor and Cabinet with the overall duty and responsibility for the operation of the department.~~

~~(4) The headquarters of the Department are established at the Neil Kirkman Building, Apalachee Parkway, Tallahassee, Florida 32304. Office hours are 8:00 a.m. to 4:30 p.m. Monday through Friday, except holidays and any person may obtain forms, applications for licenses, permits, certifications, publications, documents or information through the appropriate Division Director at this address.~~

~~(5) The Executive Director exercises direct supervision over the following functions:~~

~~(a) Executive Assistant, shall~~

~~1. Assist Executive Director in matters relating to management of the agency.~~

~~2. Maintain liaison with office of the Governor and Cabinet, legislative members and their staffs. Assist in preparation of legislation.~~

~~3. Conduct research and prepare reports for the use of the Executive Director and Division Directors.~~

~~4. Supervise operations of the Graphic Arts Section.~~

~~(b) Legal Section, shall~~

~~1. Provide legal support for Executive Director and all Division Directors.~~

~~2. Provide representation in legal matters when appropriate.~~

~~3. Conduct research and prepare reports for Executive Director and Division Directors involving legal matters.~~

~~(c) Planning and Management Section, shall~~

~~1. Provide planning support for the Executive Director and Division Directors.~~

~~2. Assist in preparation of agency's annual legislative budget request.~~

~~3. Prepare for submission to the appropriate funding source all requests for Federal Grant In-Aid assistance.~~

~~(d) Internal Audit Section, shall~~

~~1. Monitor operational and spending activities of the agency and report findings and recommendations to the Executive Director.~~

Rulemaking Authority 120.53(1)(a) FS. Law Implemented 120.53(1)(a) FS. History—New 11-1-78, Formerly 15-1.01, Repealed _____.

15-1.002 Internal Department Organization.

~~(1) The Department is composed of the following four (4) Divisions each of which is headed by a Director appointed by the Executive Director.~~

~~(a) Division of Florida Highway Patrol.~~

~~(b) Division of Driver Licenses.~~

~~(c) Division of Motor Vehicles.~~

~~(d) Division of Administrative Services.~~

Rulemaking Authority 120.53(1)(a) FS. Law Implemented 120.53(1)(a) FS. History—New 11-1-78, Formerly 15-1.02, Repealed _____.

15-1.003 Division of Florida Highway Patrol.

~~(1) The Director of the Division of Highway Patrol shall be the commander of the Florida Highway Patrol and carry the rank of "Colonel". He has the overall responsibility for the operation of the Division. The primary~~

functions of the Division are as follows:

(a) To patrol the State highways and regulate, control and direct the movement of traffic, maintain the public peace, apprehend fugitives from justice, enforce all laws pertaining thereto;

(b) To assist other constituted law enforcement officers of the State to quell mobs and riots, guard prisoners and police disaster areas.

(2) The organizational structure of the Division is composed of the Bureau of Records and Training and Bureau of Field Operations as follows:

(a) Bureau of Records and Training.

1. Compile and file traffic accident reports.

2. The analysis and coding of raw data from traffic accident reports and traffic homicide reports.

3. Compile statistical data on motor vehicle related accidents.

4. Review and check for error all Florida Highway Patrol documents (accident reports, arrest citations, faulty equipment notices, written warnings, weekly reports of daily activities, weekly and monthly reports).

5. Operate Florida Highway Patrol Academy, Tallahassee, Florida.

6. Give talk show films, provide radio and television spots in the promotion of highway safety.

(b) Bureau of Field Operations.

1. The patrol is divided for enforcement purposes into a Northern and a Southern region. The Northern region consists of Troops A, B, G and H and the Southern region consists of Troops C, D, E, F, K and L. Each troop is headed by a "Captain" as Troop Commander with responsibilities relating to the control and supervision of highway traffic and provisions of police services to highway users.

2. Troop "M" licenses, inspects and supervises Motor Vehicle Inspection stations.

3. Troop "I" enforces Weight laws. It is statewide in scope and the enforcement is performed at Weight stations located throughout the state and by troopers with portable scales.

4. The Communication Section repairs and maintains communication equipment.

5. Aircraft operations lend support for troop activities.

6. Investigation Section provides criminal investigation and intelligence investigations relating to effective enforcement of state laws pertaining to stolen vehicles, driver licenses, tags, title certificates and other related violations, together with intra departmental investigations including Workers' Compensation claims, internal security and related activities.

(3) The Chief of the Bureau of Records and Training shall be:

(a) In command of Training Section, Records Section and Safety Education Section.

(b) Legislative liaison.

(c) Promotional examination officer.

(4) The Deputy Director of the Division of Florida Highway Patrol shall be a Lieutenant Colonel. He shall be second in command and perform the following duties:

(a) Act as Director in the absence of the Director.

(b) Coordinate the work of all bureaus, sections and troops within the Division.

(c) Prepare and disseminate all memorandums and information bulletins issued by the Director or himself as well as changes in the General Orders.

(d) Disseminate essential information to headquarters personnel, Troop Commanders, members and civilian employees of the Division.

(e) Process all promotions, transfers and changes in policy as the Director may request or direct.

(f) Serve as Liaison Officer between this Division and department divisions and other state governmental agencies.

(g) Perform all other duties which may be assigned by the Director.

(5) The Chief of the Bureau of Field Operations known as "Inspector" with the rank of "Major" shall perform the following duties:

(a) Be in command of enforcement, aircraft, investigations and communications sections.

(b) Act as Director in the absence of the Director and the Deputy Director.

~~(c) Be fully acquainted with the functioning of all headquarters sections operations and coordinate Bureau responsibilities.~~

~~(d) Conduct close liaison with the Director of Drivers License Division, Motor Vehicle Division and Florida Department of Law Enforcement.~~

~~(e) Be responsible for the proper functioning and uniformity of all field operations and make full reports to the Director when necessary.~~

~~(f) Request the assistance of the Deputy Inspectors, Troop Commanders or members of subordinate rank in making inspections when deemed advisable.~~

~~(6) There shall be a "Deputy Inspector" for the Southern Region and a "Deputy Inspector" for the Northern Region. They shall carry the rank of "Major" and perform the following duties:~~

~~(a) Be in command of their respective field troops.~~

~~(b) Be fully acquainted with the functioning of all administrative headquarters, bureaus and sections and correlate field operations closely with section.~~

~~(c) Handle any complaints against members of the Division which are referred to him by the Director, Deputy Director, Inspector or which come to his attention in routine work.~~

~~(d) Be responsible for the proper functioning and uniformity of all field operations making corrections as may be necessary with full reports to the Inspector.~~

~~(e) Coordinate the efforts of the Division with those of other law enforcement agencies.~~

~~(f) Perform all other duties which may be assigned by the Director, Deputy Director or Inspector.~~

~~(7) The Chief Investigator shall be a "Captain" and perform the following duties:~~

~~(a) Be responsible for directing, coordinating, implementing and supervising all activities of members and employees of this Section.~~

~~(b) Coordinate and supervise the collection of intelligence information pertaining to stolen driver licenses and organized auto thefts on a statewide basis.~~

~~(c) Coordinate the Department's assistance to city, county, state and Federal law enforcement agencies in the investigation of organized auto thefts, stolen driver licenses, stolen and counterfeit titles and registrations.~~

~~(d) Disseminate information on organized auto thefts, movement of auto thieves and their activities, stolen and counterfeit title and driver license information to interstate and intrastate law enforcement agencies with official bulletins.~~

~~(e) Be responsible for all investigations assigned by the Executive Director, Director, Deputy Director and Inspector involving other activities not necessarily connected with automobiles and driver licenses.~~

~~(8) Troop Commanders shall be "Captains" and be responsible for themselves and their subordinates for:~~

~~(a) Enforcement of all laws for which Florida Highway Patrol is responsible.~~

~~(b) Constant promotion of highway safety.~~

~~(c) Proper and efficient patrolling of all highways under his command within his troop.~~

~~(d) Investigation of patrol recruits, personnel under his command, and such other matters as directed by the Director, Deputy Director, Inspector and Deputy Inspector of Field Forces.~~

~~(e) All equipment and supplies issued to and used by members under his command.~~

~~(f) The maintenance of such equipment and supplies in sufficient quantities and in serviceable condition and seeing to their economical use.~~

~~(g) Troop Commanders are charged with the responsibility of looking after the health and general welfare of all men under their command and are further charged with the responsibility of fostering high morals among the men of their command through diligent and stimulative leadership.~~

~~(h) Troop Commanders are charged with the responsibility of coordinating law enforcement work between the Florida Highway Patrol and county, city and federal law enforcement agencies.~~

~~(i) Troop Commanders are the chief public relations officers of the Florida Highway Patrol within their troops. They are expected to be spokesmen on law enforcement matters within their troop and are expected to lend their support to all local efforts aimed at reducing motor vehicle accidents.~~

Repealed

15-1.004 Division of Driver Licenses.

(1) ~~Director. The Director of the Division of Driver Licenses has the overall responsibility for the operation of the Division as follows:~~

~~(a) To examine all applicants for driver licenses; collect and record basic descriptive information concerning the applicant; create permanent records of all licenses issued; and receive and account for all driver licenses, examination and reexamination fees.~~

~~(b) To create a permanent record for every driver licensed by the State of Florida and maintain these records so as to record all revocations, suspensions, disqualifications, convictions, crashes and other driving history information.~~

~~(c) Re-examine drivers whose licenses have been suspended or revoked or those where doubt exists as to driving capability.~~

~~(d) Re-examine all of the State's licensed drivers for renewals, or extend their driving privilege, once every four (4) or six (6) years.~~

~~(e) License and regulate all commercial driving schools as provided in Chapter 488, F.S.~~

(2) ~~Bureau of Driver Improvement. The Bureau of Driver Improvement includes the undertakings which are devoted to insuring a minimum level of proficiency among persons licensed to operate motor vehicles in the state. Basically, these functions are listed below:~~

~~(a) Conduct administrative hearings upon receiving a request for reinstatement or review of all driver licenses which have been suspended or revoked by the Department.~~

~~(b) License all commercial driving schools, collect the proper fees, promulgate and enforce rules and regulations as provided in Chapter 488, F.S.~~

~~(c) Re-examine all problem drivers recommended by the courts whose ability or driving record appears to be questionable as provided in Section 322.221, F.S.~~

~~(d) Process all suspension, revocation, disqualification, and cancellation orders in conformance with Chapter 322, F.S.~~

~~(e) Perform all administrative, operations and record keeping activities necessary to accomplish the actions stated.~~

~~(f) Counsel with problem drivers concerning attitudes and habits.~~

~~(g) Screen drivers with medical problems.~~

~~(h) Review special and complex administrative hearing cases of applicants seeking restricted reinstatement of their driving privilege.~~

~~(i) Review and approve driver improvement courses and schools used to improve problem drivers.~~

~~(j) Maintain a hearing process to review administrative suspensions upon request for a review by a driver who has had a license suspended pursuant to Section 322.2615, F.S.~~

(3) ~~Bureau of Field Operations. The Bureau of Field Operations is responsible for conducting examinations and issuing driver licenses. The operations are administratively divided into seventeen regions. Each regional office coordinates all of the activities occurring in the region for which it is designated area responsibility. Each region also coordinates all activities of the field offices located in its geographic area of responsibility. The actual contact with applicants occurs in the field offices. The work performed in these offices consists of the following:~~

~~(a) Conduct actual examinations and issue driver licenses to the individual.~~

~~(b) Consult with applicants concerning problems and difficulties experienced in the examining and issuing function.~~

~~(c) Issue identification cards.~~

~~(d) Provide information concerning licensing requirements and procedures involved in obtaining a driver license.~~

~~(e) Provide a means for organ donor registration and withdrawal to interested parties applying for a driver license or identification card.~~

~~(f) Responsible for monitoring the Driver Education License Assistance Program (DELAP), a joint effort with~~

the Public School Districts.

(4) Bureau of Records. The Bureau of Records compiles basic informational and driver history records on all licensed drivers in the State. Responsibilities include the storage, retrieval, correction, revision, retention and disposal of all driver license records. The tasks are performed in the following manner:

- (a) Screen all applications for driver licenses issued in the field for errors.
- (b) Conduct a post audit of driver licenses issued in the field for correction of any errors.
- (c) Respond to inquiries concerning driver licenses, identification cards, and Organ Donor Wills.
- (d) Provide information to Florida licensees temporarily out of the State concerning requirements and procedures to obtain a renewal license.
- (e) Issue licenses for applicants who are out of the state.
- (f) Process computer rejections of driver licenses issued.
- (g) Maintain file of Uniform Organ Donor Registration/Will forms and Organ Donor Withdrawal forms.
- (h) Revise driver records when necessary to reflect more current information or to correct reported and verified errors.
- (i) Respond to inquiries for driver record information, except for administrative suspension records, from governmental agencies and general public.
- (j) Retrieve information from microfilm and computers.
- (k) Respond to requests and provide photographs from the driver license negative film file to Law Enforcement Agencies and Courts and for Departmental purposes upon receipt of an authorized request.
- (l) Conduct a post audit of driver record actions for purposes of verification and correction.
- (m) Process computer rejections of driver record data.
- (n) Provide reports of convictions occurring within the State of Florida to the licensing authorities of the home jurisdiction of the licensee in compliance with the Driver License Compact, Section 322.44, F.S.
- (o) Provide information to the licensing authorities of the home jurisdiction of the licensee when the licensee fails to comply with court requirements after having been charged with a traffic violation as provided by the Nonresident Violator Compact, Section 322.50, F.S.

(5) Bureau of Financial Responsibility. The Bureau of Financial Responsibility is responsible for processing and maintaining records on all financial responsibility matters including no fault insurance cases. Administratively the bureau is divided into enforcement and communication functions. The bureau performs the following tasks:

- (a) Process all motor vehicle crash reports required to be submitted pursuant to Section 316.066(3), F.S., when an operator is charged with a moving violation.
- (b) Process driving under the influence revocation cases.
- (c) Process insurance cancellation cases (Personal Injury Protection and Property Damage Liability).
- (d) Process cases involving civil judgments arising from motor vehicle crashes.
- (e) Solicit insurance coverage information.
- (f) Process suspensions for failure to comply with the financial responsibility and no fault insurance laws.
- (g) Provide compliance requirement information to field driver license offices and the public.
- (h) Process insurance verifications on all financial responsibility cases.
- (i) Process insurance verification of all point suspensions and revocations.
- (j) Maintain records of persons involved with all of the types of cases processed.

(6) Bureau of Uniform Traffic Citations. The Bureau of Uniform Traffic Citations is responsible for the design, printing, distribution, inventory, and control of traffic citations and for the reporting of dispositions to the driver history file through screening, verification, correction, and updating of citation inventory and driver history records. The Bureau performs the following tasks:

- (a) Design and supply traffic citations forms and procedures to all qualified agencies.
- (b) Design a system to control and effectively maintain accountability of all traffic citations issued.
- (c) Design a system for clerks of courts to notify the Department when a disposition reported on a traffic citation has been amended or changed.
- (d) Design a system for the clerks of courts to notify the Department when a driver fails to answer to the Court

for a traffic violation and upon compliance.

~~(e) Conduct audits of Florida Uniform Traffic Citations issued to qualified agencies and dispositions of traffic cases not reported to the Department by a court.~~

~~(f) Reconcile Florida Uniform Traffic Citations listed on the Florida Uniform Traffic Citation Transmittal form with the accompanying citations.~~

~~(g) Screen and code traffic citations (Florida Uniform Traffic Citations and dispositions, Florida Supplemental Reports of Dispositions and out of state dispositions) for entry into the computerized driver history and inventory/statistical files.~~

~~(h) Clarify problem Florida Uniform Traffic Citation and disposition data with reporting agencies.~~

~~(i) Conduct uniform traffic citation training seminars to ensure citations are properly completed and accounted for, Departmental policies and court rules are followed, and dispositional reporting of cases are timely, proper and complete.~~

~~(j) Provide annual traffic violation and disposition statistics and inventory data to law enforcement agencies, courts and other users.~~

Rulemaking Authority 322.02 FS. Law Implemented 120.53(1)(a) FS. History—New 11-1-78, Formerly 15-1.04, Amended 11-19-92, Repealed.

15-1.005 Division of Motor Vehicles.

~~(1) Director. The Director of the Division of Motor Vehicles is responsible for activities related to motor vehicles, mobile homes, and recreational vehicles. These activities include: (1) titling, domestic registration and recordation of lien activity of motor vehicles; (2) licensing and regulation of motor vehicle and mobile home dealers, auctions, brokers, manufacturers, distributors and importers; (3) inspection of mobile homes and recreational vehicles; (4) collection and distribution of international registration fees and collection of motor fuel taxes and (5) motor vehicle emission inspection.~~

~~(2) Bureau of Titles and Registrations. The Bureau of Titles and Registrations is responsible for examination of applications and issuance of certificates of title, cancellation and recall of certificates of title, recordation of liens against motor vehicles and mobile homes and satisfaction of those liens, developing and maintaining records of title abstracts pertaining to motor vehicle and mobile homes, development and issue of regular and special registration plates and validation materials for motor vehicles and mobile homes, developing and maintaining registration records of motor vehicles and mobile homes, and provision of access to public motor vehicle records.~~

~~(3) Bureau of Licenses and Enforcement. The Bureau of Licenses and Enforcement regulates and licenses motor vehicle and mobile home dealers, manufacturers, distributors, and importers who do business in the State and enforces the registration laws for mobile homes and vehicles operated over the streets and highways of the state. It is responsible for the handling of complaints received from the public relative to dealers and the issuance of licenses to those applicants who conform to the statutory requirements.~~

~~(4) The Bureau of Mobile Homes. The Bureau of Mobile Homes is responsible for ensuring compliance with established standards on the construction of mobile homes and recreational vehicles offered for sale in Florida.~~

~~(5) Bureau of Motor Carrier Services. The Bureau of Motor Carrier Services is responsible for the collection and distribution, to member jurisdictions, of international registration fees and taxes under the International Registration Plan, the collection and audit of special motor fuel taxes and the administration of the national handicapped parking permit reciprocity compact.~~

~~(6) The Bureau of Emissions Control. The Bureau of Emissions Control is responsible for the administration of the contract for automotive emissions inspection in defined areas of the state, the licensing of reinspection facilities, and the certification of self inspectors.~~

Rulemaking Authority 120.53(1)(a) FS. Law Implemented 120.53(1)(a) FS. History—New 11-1-78, Formerly 15-1.05, Amended 6-6-93, Repealed.

15-1.006 Division of Administrative Services.

(1) The Director of the Division of Administrative Services is responsible for the operation of all bureaus within the Division, all purchases made by the Department and management information services as follows:

(a) Develop, implement, monitor, and coordinate departmental procedures, forms, reports, and records management activities.

(b) Operations research and analysis for development and application of workload standards, program evaluation techniques, and improved service delivery systems.

(c) Coordinate the Highway Safety Information System data base administrative function and the exchange of data with other systems at the state, local and federal levels.

(d) Develop and disseminate information for management decision-making on matters relating to current operations and highway safety research, including the impact of new federal and national programs.

(2) Bureau of Finance and Accounting. The Bureau of Finance and Accounting performs the following functions:

(a) Responsible for payment of Department bills.

(b) Responsible for contracts, leases, and inventories of Department.

(c) Coordinates accounting process with data processing operations.

(d) Prepares division budgets for submission to the Governor.

(e) Handles all incoming and outgoing mail for the Department.

(f) Audits tag registration reports from Tax Collectors.

(g) Audits title reports and sorting title transactions by type for grading section.

(h) Collects and accounts for all money received and disbursed by the Department.

(3) Bureau of Personnel. The Personnel Bureau is responsible for the administration of all personnel rules, regulations, policies and procedures as they relate to employees and applicants.

(a) Classification Plan—Conducts classification and pay studies and makes recommendations to the Division of Personnel, Department of Administration.

(b) Administers recruitment programs for competitive and noncompetitive classes on a statewide basis.

1. Rules on applications.

2. Interviews applicants and makes recommendations to supervisors.

3. Serves as liaison with the Division of Personnel, Department of Administration, in processing certificates of eligibles.

(c) Reviews all appointments to determine whether they are in compliance with applicable rules.

(d) Determines correct salary for each employee based on appointment (original, reinstatement, promotion, demotion, etc.) and evaluation.

(e) Coordinates preparation of payrolls and distribution of warrants.

(f) Advises management and employees regarding disciplinary actions, grievances, and appeals.

(g) Monitors employee performances evaluations.

(h) Responsible for training and orientation of employees.

(i) Coordinates Department's affirmative action program.

(j) Serves as custodian of the personnel records.

(k) Coordinates activities of Department with Payroll Section of Comptroller's Office; Bureau of Budget (salary exceptions), Department of Administration; and Division of Retirement, Department of Administration.

(l) Processes all attendance and leave reports.

(4) Bureau of Kirkman Data Center. The Bureau of Kirkman Data Center provides data processing services to the four (4) divisions of the Department and other users of the Department's data. Its specific functions may be described as follows:

(a) Operations.

1. Computer Operations—handles the actual operation of the computer.

2. Key punch—transfers information from source documents to punched card.

3. Production and Document Control prepares items for mailing, screens for errors, and accounts for items

produced.

~~(b) Systems and Programs.~~

~~1. Titles and Tags—develop system and write programs for the handling of title and tag information and for issuing the documents.~~

~~2. Driver Licenses—develop system and write programs for handling driver license information and issuing licenses.~~

~~3. Highway Patrol—develop system and write programs for the Fiscal Function and the compiling of statistical data for Highway Patrol.~~

~~(5) The Bureau of Office Operations is responsible for the building security and maintenance, telephone operations, supply room duplicating and printing shop.~~

Rulemaking Authority 120.53(1)(a) FS. Law Implemented 120.53(1)(a) FS. History—New 11-1-78, Formerly 15-1.06, Repealed

15-1.007 Public Records, Inspection.

~~(1) Public Records of the Department of Highway Safety and Motor Vehicles shall be available for public inspection as set forth in Chapter 119, F.S. Any member of the public wishing to inspect any public records of the Department may do so during the Department's normal business hours of 8:00 a.m. to 4:30 p.m., excluding legal holidays, as set forth in subsection 15-1.001(4), F.A.C.~~

~~(2) All public records which presently are provided by law to be confidential or which are prohibited from being inspected by the public together with examination questions and answers shall be exempt from the mandatory inspection and copying provisions of Section 119.07(1) F.S.~~

~~(3) Charges for the service and cost of copying shall be as provided by applicable statute and the Governor and Cabinet.~~

Rulemaking Authority 120.53(1)(a) FS. Law Implemented 120.53(1)(a) FS. History—New 11-1-78, Formerly 15-1.07, Repealed

15-1.008 Public Access to Proceedings.

~~All Department proceedings and reports shall be open to the public except as otherwise provided such as Medical Advisory Boards (s. 322.125, F.S.), confidential law enforcement license plates (s. 320.025, F.S.) and examination questions and answers (s. 119.07(3)(c), F.S.).~~

Rulemaking Authority 322.02 FS. Law Implemented 120.53(1)(a) FS. History—New 11-1-78, Formerly 15-1.08, Amended 11-19-92, Repealed

15-1.009 Applications for Employment.

~~Employment application forms may be obtained from the Personnel Office, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, Tallahassee, Florida 32301.~~

Rulemaking Authority 120.53(1)(a) FS. Law Implemented 120.53(1)(a) FS. History—New 11-1-78, Formerly 15-1.09, Repealed

15-1.010 Statutory Chapters and Rules.

~~Florida Statutes affecting the Department's operation are Chapters 316, 318, 319, 320, 321, 322, 324, 325 Part 2 and 85, F.S. All Administrative Rules adopted pursuant to Chapter 120 F.S., are contained in Chapter 15 of the Florida Administrative Code.~~

Rulemaking Authority 120.53(1)(a) FS. Law Implemented 120.53(1)(a) FS. History—New 11-1-78, Formerly 15-1.10, Repealed

15-1.011 Affirmative Action Plan.

The Department's Affirmative Action Plan is hereby incorporated by this rule and made a part of the rules of this department. Copies of this document are available at no more than cost by applying in writing:

Department of Highway Safety and Motor Vehicles
Equal Employment Opportunity Officer
Neil Kirkman Building
Tallahassee, Florida 32301

Rulemaking Authority 120.53(1)(a), 110.112 FS. Law Implemented 120.53(1)(a), 110.112 FS., Art. I, S. 2, Fla. Const. History—New 2-12-80, Formerly 15-1.11, Repealed

15-1.013 Forms; Division of Administrative Services.

The following is a list of forms utilized by the Division of Administrative Services:

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|-------------------|---|
| (1) DHSMV-013 | Purchase Order |
| (2) DHSMV-A-21 | Certificate of Contract Completion |
| (3) DHSMV-A-058 | Authority for Release of Information (Personnel Form) |
| (4) PUR-2028 | Complaint to Vendor |
| (5) PUR-2043 | Invitation to Bid (State of Florida) |
| (6) DHSMV-A-438 | DHSMV Fingerprint Data |
| (7) — | Request for Quotation |
| (8) DHSMV-A-0105 | Bid Tabulation |
| (9) FHP-130 | Invoice |
| (10) FORM-C-557A | Affidavit for Duplicate Warrant |
| (11) DP-E-16 | State of Florida Employment Application |
| (12) DHSMV Letter | FHP Employment Physical Notice |
| (13) DHSMV-A-2 | Teletype message form |
| (14) DHSMV-A-3 | LETS teletype message form |
| (15) DHSMV-008 | Reimbursement Voucher |
| (16) DHSMV-A-053 | Personnel Data |
| (17) DHSMV-A-054 | Employment Information |

Rulemaking Authority 120.53(1)(b) FS. Law Implemented 120.53(1)(b) FS. History—New 11-11-81, Formerly 15-1.13, Repealed

15-1.014 Forms; Division of Driver Licenses.

Forms are assigned by the Department to each Bureau as follows: HSMV-71000 series, Bureau of Field Operations; HSMV-72000 series, Bureau of Driver Improvement; HSMV-73000 series, Bureau of Records; HSMV-74000 series, Bureau of Financial Responsibility; and HSMV-75000 series, Bureau of Uniform Traffic Citations.

- | | |
|-----------------|---|
| (1) DHSMV-D-3L | Physicians Recommendation Letter to DL Medical
Advisory Board |
| (2) DL-4D | Parent Consent for Driver Application of Minor Under 18 |
| (3) DHSMV-D-5B | Notice of Driver License Status, Outstanding Summons |
| (4) DHSMV-D-5C | Notice of Driver License Status, Outstanding Revocation,
Suspension, or Cancellation |
| (5) DHSMV-D-6 | Court Report, Failure to Appear |
| (6) DHSMV-D-007 | Change of Address |
| (7) DHSMV-D-10 | Report of Eye Examination |
| (8) DHSMV-D-23 | Division of Driver License, Military Affidavit |
| (9) DHSMV-D-32F | DL Application Out of State/County App. |
| (10) DHSMV-D-33 | DL Application, State of Florida |

(11) DHSMV D 34	Florida D/L Exam & Application
(12) DHSMV D 035	D/L Re-examination Application
(13) DHSMV D 036	D/L Safe Driver Renewal Application
(14) DL 37 1D	Application for ID Card
(15) DHSMV D 54 B	Implied Consent Suspension Letter
(16) DHSMV D 100 B	Order of License Revocation or Suspension
(17) DHSMV D 100 C	Order of License Revocation, Suspension, or Cancellation
(18) DHSMV D 100 L	Driver Information Request
(19) DHSMV D 090	List, Driver Improvement Courses in Florida
(20) DHSMV D 092	List, Alcohol Education Courses in Florida
(21) DL 250	Request for Information from DL Records
(22) DHSMV 252	Instructions for Requesting Information from Driver License Record
(23) DHSMV 252 A	Instructions for Requesting Driver Information By Punched Cards
(24) DHSMV D 300	Bureau of Driver Improvement, Authority for Reinstatement Examination
(25) DL 302	Division of Driver License, Hearing Officer's Report
(26) DHSMV D 306	Request for Administrative Hearing
(27) DHSMV D 307	Administrative Hearing Affidavit Form
(28) DHSMV D 310	Court Order Requesting Temporary Restricted License
(29) DHSMV D 320	Driver License Voluntarily Surrendered
(30) DHSMV D 334L	Acknowledgement of Receipt of Correspondence
(31) DHSMV D 400.0	Information for Applicants, Medical Impairment
(32) DHSMV D 400.1	Neurological Guidelines for App.
(33) DHSMV D 020	Transmittal of Out of State Driver License
(34) DL 423	DHSMV Medical Report (Completed by Physician)
(35) DHSMV D 425.1L	Letter of License Revocation for Inadequate Vision
(36) DHSMV D 447	Letter or Receipt, Notification of Physical Condition
(37) DHSMV D 472	Interpreter's Affidavit
(38) DHSMV D 480 490	Exam series
(39) DHSMV D 499	Division of Drivers License Admittance Slip
(40) DHSMV D 520	Statement of Applicant Concerning DL
(41) DHSMV D 521	Request for Letter of Clearance
(42) DHSMV D 624	Denial of Refund Request or for Obtaining Additional Information From Subject (letter)
(43) DHSMV D 634	Rejection Notice (Fees)
(44) DHSMV D 643L	Driver Licenses Renewal Instructions (Out of State)
(45) DHSMV D 643.1L	Summary of Instructions for Florida DL to Applicant and Examiner
(46) DL 644	Refund Request
(47) DHSMV D 646L	Renewal and Re-exam Instructions to Florida Residents Temporarily Out of Country
(48) DHSMV D 647L	Letter of Instructions and Test to Examiner Conducting Test Out of Country
(49) DHSMV D 648L	Instructions for Replacement or Duplicate License to Florida Residents Temporarily Out of State
(50) DHSMV D 648.1L	Letter to License Reference Requirements Necessary for Extension on Temporary Permit

(51) DHSMV D-649	Flyer to Accompany License Issued to Applicants Out of State, Requesting them to Obtain Replacement License upon Return to Florida
(52) DHSMV D-706	Letter of Transmittal
(53) DHSMV D-709	Bureau of FR Voucher
(54) DHSMV D-709A	Record of Unsatisfied Judgment (FR)
(55) DHSMV D-709B	Satisfaction of Judgment (FR)
(56) DHSMV D-709C	Authorization to Pay Security (FR)
(57) DHSMV D-704	DL or Tag and Registration Receipt
(58) DHSMV D-710D	Original Notice (FR)
(59) DHSMV D-710A	Notice of Policy Under Fla. FR Law
(60) DHSMV D-710B	Original Notice (FR)
(61) DHSMV D-710C	Original Notice (FR)
(62) DHSMV D-711-L	FR Order of Suspension
(63) DHSMV D-714	Release of All Claims
(64) DHSMV D-716/730	Property Damage-Bodily Injury Affidavit
(65) DHSMV D-717	Bond (FR)
(66) DHSMV D-729A	Instruction Sheet (FR)
(67) DHSMV D-729B	Instructions Sheet (FR) (Spanish)
(68) DHSMV D-735	Affidavit
(69) DHSMV D-736	Agreement for Release and Monthly Repayment Note
(70) DHSMV D-749	Application for Hearing (FR)
(71)	Receipt, for DL, Tags, and/or Registration
(72) STFR-7	Receipt of Bond (FR)
(73) STFR-9B(m)	Satisfaction of Judgment
(74) STFR-14	FR Release
(75) STFR-18	Receipt for Reinstatement Fee/Security Deposit
(76) DHSMV D-095	Report of Completion of Driver Improvement School
(77) STFR-36(m)	Agreement for Release and Monthly Repayment Note
(78) DHSMV D-708	FR Deposit
(79)	Original Application for a License to Conduct a Commercial Driving School
(80) —	Original Application for an Instructor's or Agent's Certificate
(81) —	Physical Examination for Commercial Driving School Instructors
(82) —	Renewal — Commercial Driving School Registration
(83) —	Renewal — Instructors Certificate
(84) —	Driver Education Certificates, Issuance Form
(85) —	Inspection Report of Commercial Driving Schools
(86) —	Lost Draft Affidavit (General)
(87) —	Physician's Certificate Regarding Narcotic/Barbiturate and/or Amphetamine Addiction
(88) —	Affidavit, Finger Prints
(89) —	Information Sheet — Information Needed to be considered for Licensing When Wearing Telescopic Lenses — To Accompany DL-10
(90) —	Re-examination Notice, due to Reported Inability (letter)
(91) DHSMV D-3	Florida Driver Re-examination Facts

(92) DHSMV-D-500	Driver License Examiner, Career Facts
(93) DL-02	Florida Driver Handbook
(94) —	Florida Driver Handbook (Spanish)
(95) DL-38	Florida Driver License
(96) DL-39	Florida Identification Card
(97) FUTC	Florida Uniform Traffic Citation
(98) DHSMV-D-312L	Notice of Administrative Hearing
(99) DHSMV-D-400L	Report of Driving Problem
(100) DL-419	Re-examination Investigation
(101) DHSMV-D-428L	Notice of Examination
(102) DHSMV-D-429L	Report of Serious Doubt
(103) DHSMV-D-430	Report of Failure to Complete Driver Improvement School
(104) DHSMV-D-702	Request for Implied Consent Information
(105) STFR-7A	Bond Release
(106) STFR-9	Deposit Release
(107) STFR-33(M)	FR Reinstatement Fee

Rulemaking Authority 322.02 FS. Law Implemented 120.53(1)(b) FS. History—New 11-11-81, Formerly 15-1.14, Amended 11-19-92, Repealed.

15-1.015 Forms; Division of Florida Highway Patrol.

The following is a list of forms utilized by the Division of Florida Highway Patrol:

(1) FHP-3	Florida Traffic Accident Report
(2) FHP-3B	Florida Traffic Accident Report, Supplemental
(3) FHP-3A	Florida Parking Lot Accident Report
(4) FHP-3C	Florida Traffic Accident Report Codes
(5) FHP-3K	Florida Traffic Accident Report/Operator
(6) DHSMV-FHP-004	FHP Non-Traffic Arrest Report
(7) DHSMV-FHP-004A	FHP Non-Traffic Arrest Report, Supplement
(8) FHP-5	FHP Warning
(9) FHP-9	FHP Notification of Illegal or Faulty Equipment
(10) FHP-16	FHP Auxiliary Application
(11) FHP-10	Service Tag
(12) FHP-26	Letter of Stolen Vehicle
(13) DHSMV-A-029	Supplemental Application for FHP Officer
(14) FHP-31	Personal Inquiry Waiver Authority for Release of Information
(15) FHP-41	FHP/Driver Exchange Information
(16) FHP-42	FHP Report of Physical Examination
(17) FHP-49	FHP Interview Report
(18) FHP-50	FHP Authorization for Release of Military and Medical Information
(19) FHP-53	Waiver of Search
(20) FHP-54	Refusal to Submit to Chemical Test
(21) FHP-55	FHP Chemical Test Report
(22) FHP-40	FHP Court Information
(23) FHP-60	Waiver of Rights
(24) FHP-61	Consent to Search
(25) FHP-31A	Applicant Investigation
(26) FHP-62A	Consent to Listening Device
(27) FHP-62B	Consent to Listening Device

(28) FHP 62C	Consent to Listening Device
(29) FHP 54A	Request for Blood Test
(30) FHP 73	Physicians Approval, Auxiliary Application
(31) FHP 114	Cash Appearance Bond
(32) FHP 145	Application and Medical Statement for Special Exemption of Sec. 316.295(2)(b) and (2)(d), F.S.
(33) FHP 165	Polygraph Release Form
(34) FHP 203	FHP Recruitment Information
(35) —	FHP Motor Vehicle Noise
(36) —	Release of Military and Medical Information, FHP Applicant
(37) —	Motorcycle Riders, Florida Motorcycle Laws
(38) —	Florida Driver Information
(39) —	Bike Drivers, Florida Bicycle Laws
(40) —	FHP Trooper Information
(41) —	Law Enforcement Officers: A Crucial Community Concern

Rulemaking Authority 322.02 FS. Law Implemented 120.53(1)(b) FS. History—New 11-11-81, Formerly 15-1.15, Amended 11-19-92, Repealed.

15-1.016 Forms; Division of Motor Vehicles.

The following is a list of the forms utilized by the Division of Motor Vehicles:

(1) DHSMV V-002	Handicapped Parking
(2) DHSMV V-004	Handicapped Parking
(3) DHSMV V-005	Handicapped Parking
(4) DHSMV V-006	Disabled Person's Parking Permit, Physician's Statement of Certification
(5) DHSMV V-32	Lost or Replacement Tag Permit
(6) DHSMV V-40	Application for Certificate of Title and/or Vehicle Registration State of Florida
(7) DHSMV V-40A	Application for Certification of Title and/or Vehicle Registration and Motor Vehicle Sales and Use Tax Report
(8) DHSMV V-40.2	Notice of Sale or Transfer of Motor Vehicle
(9) DHSMV V-007	Change of Address
(10) DHSMV V-124	Assignment of Number Plate
(11) DHSMV V-42.3	Affidavit to Accompany Application for Original Fla. Title Certificate Upon Motor Vehicles, New or Used, Previously Registered or Purchased in a Foreign State
(12) DMV Form 42.4	Certification by Tax Collector or Tag Agent of For Hire Vehicle
(13) DMV Form 43	Application for Certificate of Title by an Insurance Company When a Total Theft Loss Has Been Paid and Title Certificate Previously Surrendered to DMV
(14) DHSMV V-44	Application for New Certificate of Title in Place of One Lost in Transit
(15) DHSMV V-45.1	Special Affidavit to Accompany Application for Original Title Certificate to MV or Trailer
(16) DHSMV V-45.2	Special Affidavit and Application for Transfer of Title Certificate to Motor Vehicle
(17) DHSMV 46	Affidavit to Accompany Application for Certificate of Title on Transfer of Title by Bankruptcy, Insolvency, Attachment, Replevin, Execution, etc.
(18) DHSMV V-47	Certificate of Title Application, upon death of owner of Motor Vehicle
(19) DHSMV V-48	To Accompany Application for Motor Vehicle Certificate of Title Showing No Lien
(20) DHSMV V-49	Affidavit to Accompany Application for Certificate of Title on Repossession of MV without Process of Law
(21) DHSMV V-53.1	Power of Attorney
(22) DMV 365	Application for Assignment of Lien
(23) DMV Form D-90	Application by Florida MV Dealer, Trailer Coach Dealer or Certified Common Carrier for Temporary Tags

(24) DHSMV V D 90P	Temporary Tag Registration Certificate
(25) DHSMV V 90	Application for License as Motor Vehicle Dealer and Sworn Statement
(26) DHSMV V 90 R	Application for Renewal of License as MV Dealer and DMV Inspection Report
(27) DHSMV V 91.0	Reassignment by Licensed Dealer
(28) DHSMV V 91	Application for Change of Address of Current Licensee as Dealer in MV, Mobile Homes or Recreational Vehicles and DMV Inspection Report
(29) DMV Form T 91	Application by Florida MV Dealer, Trailer Coach Dealer or Certified Common Carrier for In-Transit Tags
(30) DMV Form T 91-P	In-Transit Tag Registration Certificate
(31) DHSMV V 92	Application for License as Mobile Home or Recreational Vehicle Dealer
(32) DHSMV V 92 A	Application for Renewal of License as Mobile Home or Recreational Vehicle Dealer and DMV Inspection Report
(33) DHSMV V 93	Surety Bond (Mobile Home Dealer)
(34) DHSMV V 93 A	Surety Bond (Recreational Vehicle Dealer)
(35) DHSMV V 94	Surety Bond (Motor Vehicle Dealer)
(36) DHSMV V 95	Application, License Factory Rep. or Distributor Rep.
(37) DHSMV V 95 M	Application for License as Manufacturer, Importer or Distributor of Motor Vehicles
(38) DHSMV V 96	Application for License as Mobile Home or Recreational Vehicle Manufacturer
(39) DHSMV V 95 FB	Application for License as Factory Branch (MV)
(40) DHSMV V 98	Surety Bond (Mobile Home Manufacturer)
(41) DHSMV V 98A	Surety Bond (Recreational Vehicle Manufacturer or Van Converter)
(42) DHSMV V 100.3	Affidavit, Missing or Void Tag
(43) DMV Form 100.4	Affidavit for Change of Body
(44) DHSMV V 100.7	Application for Duplicate Title Certificate
(45) DMV 105.0	Affidavit, Certificate of Official Weight
(46) DHSMV V 122	Affidavit to be Executed by Mechanic Making Change of Motor and Numbers
(47) DHSMV V 122.1	Change of Motor Affidavit
(48) DMV Form 123	Trailer Serial No. Assignment Affidavit
(49) DMV Form 124	Assigned Florida Identification Number
(50) DHSMV V 139.3	Notice of Lien
(51) DHSMV V 139.4	Notice to First Lien Holder of Subsequent Lien
(52) DHSMV V 140	License Plate Rates
(53) DHSMV V 146	Application for Either Replacement Motor Vehicle Registration Plate or Validation Sticker
(54) DHSMV V 150	Application for New Tag and/or Validation Sticker in Place of Tag or Sticker Lost in Transit
(55) DHSMV V 170	Affidavit of Sale by Storer, Warehouseman, Mechanic or Repair Garage
(56) DHSMV V 171	Affidavit of Purchaser at Sale for Storage or Repair Charges
(57) DHSMV V 172	Application for Transfer of Title Certificate to MV Repossessed for Nonfulfillment of Contract
(58) DHSMV V 250	Motor Vehicle Certificate of Title, Fla.
(59) DHSMV V 260	Lien Satisfaction, Fla.
(60) DHSMV V 300	Permanent Regular Registration Certificate
(61) DHSMV V 363	Affidavit and Application for Credit or Refund
(62) DHSMV V 363A	Report of Total Loss Settlement (Tag Refund Request)
(63) DHSMV V 415	Change of Address Notice
(64) DMV Form 426	Recall Letter
(65) DHSMV V 460	Notice of Violation
(66) DHSMV V 452	MV Registration and Title Lookup Information Notice
(67) DMV Form 470	Instructions: Sale of MV for Unpaid Repair or Storage Charges When Such Repairs or Storage are Authorized by Registered Owner (Sec. 713.585 F.S.)
(68) DMV Form 471	Instructions: Sale of MV for Unpaid Storage and Towing Charges When Towing and Storage

	are Authorized by Law Enforcement Agency, or Owner, Lessor, or Person Authorized by Owner or Lessor of Property on Which MV is Wrongfully Parked (Sec. 713.78, F.S.)
(69) DHSMV-V-OL-1	Application for Personalized Organizational License Plate
(70) DHSMV-V-NG-1	Application for Florida National Guard License Plate
(71) DHSMV-V-HP-1	Application for Disabled Person Parking Permit
(72) (Card)	Handicapped Person's Parking Permit (Form Available Only Upon Issuance to Qualified Person)
(73) DHSMV-V-HC-1	Application for Registration of Horseless Carriage
(74) DHSMV-V-PL-1	Application for Personalized License Plate
(75) DHSMV-V-AR-CB	Application for Special License Tag for MV Owned and Operated by Licensed Amateur Radio and CB Operators
(76) DHSMV-V-NT-1	Notification of Transfer of Registration License Plate
(77) DMV Form ST-1	Application for Special Transfer of MV License Plate
(78) DMV Form 105.0	Certified Official Weight Affidavit
(79) DHSMV-V-SP-Z	Notice of Reassignment of Permanent Florida Governmental Agency License Plate
(80) DHSMV-CRP-1	Certificate of Right of Possession of a MV
(81) Form F-7 AA	DMV MV Permit for Circuses
(82) Instructions:	Requirements for Transfer of a MV Registered in the Name of a Deceased Person
(83) Instructions:	Licensing Requirements for Florida MV, Mobile Home and RV Dealers, MV Dealers, MV Manufacturers, Factory Reps., Importers, Distributors, Factory Branches, Mobile Home Manufacturers, RV Manufacturers
(84) DHSMV-V-MH-6	Dealer's Monthly Used MH or RV Report
(85) DHSMV-MH8	Manufacturer Data Report
(86) DHSMV-V-MH-193	MFG's Monthly Standards Code Seal Report for Rec. Vehicles or Duplex Mobile Homes
(87) DHSMV-V-MH-87	Notice of Violation or Non-Compliance
(88) DHSMV-V-MH-92	Application for Standards Seals/Labels
(89) Instructions:	HUD Labels, Instructions for Completing DHSMV and NCSBCS Forms
(90) NCSBCS-MHP/303	Refunds Due Manufacturer
(91) NCSBCS-203	IPIA/Manufacturer/Losing Party Lost Label Report
(92) NCSBCS-203-B	IPIA/Manufacturer Damaged Label Report
(93) NCSBCS-MHP/304	Adjustment Report for MHP/302s
(94) NCSBCS-301	Request and Payment for Labels
(95) NCSBCS-302	Mobile Home Monthly Production Report
(96) DHSMV-V-111-P	Application for Registration of Motor Vehicle "P" Series

Rulemaking Authority 322.02 FS. Law Implemented 120.53(1)(b) FS. History--New 11-11-81, Formerly 15-1.16, Amended 11-19-92, Repealed.

15-1.017 Volunteers.

(1) ~~Volunteers may be utilized by the divisions of the Department of Highway Safety and Motor Vehicles as specified in Part IV, Chapter 110, F.S. Unless otherwise noted, the term "volunteer" in this rule includes the terms "regular service volunteer," "occasional service volunteer," and "material donor" as defined in Section 110.501, F.S. This rule is not applicable to members of the Florida Highway Patrol Auxiliary or Reserve.~~

(2) ~~The divisions of the Department may recruit volunteers on a local or statewide basis based on the need for such services.~~

(3) ~~Persons volunteering services may do so by submitting a completed State of Florida Employment Application to any field location or the headquarters of the Department, with the word "volunteer" indicated for the job title. Application forms may be obtained from the Department of Highway Safety and Motor Vehicles, Bureau of Personnel Services, Neil Kirkman Building, B-141, Tallahassee, Florida 32399-0525; the Department of~~

Management Services, Carlton Building, Tallahassee, Florida 32399; and any state office or Job Service of Florida office.

(4) ~~The divisions shall screen applicants who volunteer regular or occasional services by checking appropriate records as well as past and current employment references by utilizing Employment Reference and Verification Form HSMV 91205, effective November 1994, which is incorporated by reference and available from the Department's Bureau of Personnel Services at the address shown above.~~

(5) ~~For approved positions, a criminal history records check request should be submitted through the Bureau of Personnel Services, Employee Services Section. All applicants must complete the Special Disability Trust Fund Form required by the Division of Risk Management, Department of Insurance, which is available from the Department's Bureau of Personnel Services, Neil Kirkman Building, Room A 428, Tallahassee, Florida 32399-0525.~~

(6) ~~Regular service and occasional service volunteers will be trained on the job by the Department employees familiar with the duties to be performed and through classroom instruction as needed.~~

(7) ~~Volunteers will be required to sign a Volunteer Services Agreement, HSMV 91083, effective November 1994, which is incorporated by reference and available from the Bureau of Personnel Services, Neil Kirkman Building, A 428, Tallahassee, Florida 32399-0525. The volunteer will receive a copy of the completed agreement. Volunteers will be responsible for performing duties in an acceptable manner as set forth in the Volunteer Services Agreement.~~

(8) ~~Volunteers may be utilized in any division of the Department as long as their presence or assigned duties are not in violation of Florida Statutes, certification or licensure requirements, or Department rules or policies. Utilization and service description of the volunteer must be approved by the Division Director, the equivalent, or a higher authority.~~

(9) ~~Regular service and occasional service volunteers will be supervised only by Department employees. The supervisor named in the Volunteer Services Agreement will be responsible for the activities of the volunteer. If the named supervisor in the Volunteer Services Agreement is not available for work, then their immediate supervisor will maintain this responsibility. Other employees may assist in directing or monitoring the duties of the volunteer, but the designated supervisor is ultimately responsible for the conduct of the volunteer.~~

(10) ~~Copies of records of volunteers shall be maintained by the divisions. The original Volunteer Services Agreement, Special Disability Trust Fund Form and application must be submitted to the Bureau of Personnel Services, Neil Kirkman Building, A 428, Tallahassee, Florida 32399-0525, for retention purposes.~~

(11) ~~Divisions utilizing volunteers must submit to the Bureau of Personnel Services a quarterly report on Volunteer Services HSMV 91084, effective November 1994, hereby incorporated by reference, for all volunteers and may be obtained from the Bureau of Personnel Services, Neil Kirkman Building, A 428, Tallahassee, Florida 32399-0525.~~

(12) ~~Volunteers shall be covered by state liability protection according to the definition of a volunteer and the provision of Section 768.28, F.S., and workers' compensation according to Ch. 440, F.S., together with other benefits set forth in Section 110.504, F.S. Volunteers are not entitled to unemployment compensation.~~

(13) ~~Volunteers may be separated at their request or terminated at the discretion of the Division Director by written notification.~~

(14) ~~Persons desiring to provide funds, materials, employment or opportunities for clients of the Department, defined as material donors, shall make their offer in writing to the applicable bureau chief, who shall advise the division director before accepting such material donation.~~

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15-2

REPEAL RULES

RULE NUMBERS: RULE TITLE:

15-2.001: Procedure
15-2.002: Designation of the Agency Clerk
15-2.003: Disputes on Bidding or the Letting of Contracts
15-2.004: Designation of Official Reporter
15-2.005: Authority
15-2.006: Purpose
15-2.007: Indexing, Listing and Numbering
15-2.008: Final Orders Required to be Indexed
15-2.009: Listing of Final Orders
15-2.010: Numbering of Final Orders

Summary of Rule

These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

Statement of Facts and Circumstances Justifying the Rule

In light of the Governor's Comprehensive Rule Review (Executive Order 11-72) and the Enhanced Biennial Review (s. 120.745, F.S.), the Department has conducted a review of all of its administrative rules and has identified many candidates for repeal throughout Chapter 15, F.A.C. In almost all cases, the rule proposed for repeal is either duplicative of existing statutory language, or authority for the rule has been repealed. A chart is attached to this notice as Exhibit 1, to further explain the agency's decision to propose repeal of each rule. The proposed repeals do not appear to require a Statement of Estimated Regulatory Costs, nor do they appear to require legislative ratification.

Federal Standards Statement

The proposed repeals do not appear to implicate or otherwise relate to federal standards or rules.

Summary of Hearing

The proposed rules were noticed in the August 17, 2012, Florida Administrative Weekly, Volume 38, Number 33, setting out a Public Hearing for September 10, 2012. No request for a hearing was received by the agency, and no hearing was held.

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- ☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with and
- ☒ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- ☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
- ☒ (a) Are filed not more than 90 days after the notice; or
- ☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
- ☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
- ☐ (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
- ☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
- ☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
- ☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or
- ☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15-2.001

15-2.002

15-2.003

15-2.004

15-2.005

15-2.006

15-2.007

15-2.008

15-2.009

15-2.010

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie Jones

Executive Director
Title

Department of Highway Safety and Motor Vehicles
Agency

4
Number of Pages Certified

15-2.001 Procedure.

~~The Model Rules of Procedure, Chapters 28-2 through 28-6, Florida Administrative Code, shall be the rules or procedure for the Department of Highway Safety and Motor Vehicles.~~

Rulemaking Specific Authority 20.05(5), 120.53(1)(c), (d), 120.565 FS. Law Implemented 120.53(1)(c), 120.53(1)(d), 120.565 FS. History—New 2-3-80, Formerly 15-2.01, Repealed

15-2.002 Designation of the Agency Clerk.

~~(1) The Chief of the Bureau of Driver Records of the Division of Driver Licenses, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, Tallahassee, Florida 32301; Telephone (850) 488-2117, is hereby designated as the Agency Clerk in the Division of Driver Licenses for the purpose of receiving and recording all Final Orders rendered by the Department of Highway Safety and Motor Vehicles under and pursuant to Chapters 318 and 322, Florida Statutes.~~

~~(2) The Chief of the Bureau of Financial Responsibility of the Division of Driver Licenses, Department of Highway Safety and Motor Vehicles, Larson Building, Tallahassee, Florida 32301; Telephone (850) 488-6434, is hereby designated as the Agency Clerk in the Bureau of Financial Responsibility of the Division of Driver Licenses for the purpose of receiving and recording all Final Orders rendered by the Department of Highway Safety and Motor Vehicles under and pursuant to Chapter 324 and Sections 627.732-.735, Florida Statutes.~~

~~(3) The Supervisor of the Dealer License Section of the Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, Tallahassee, Florida 32301; Telephone (850) 488-2190, is hereby designated as the Agency Clerk in the Division of Motor Vehicles for the purpose of receiving and recording all Final Orders rendered by the Department of Highway Safety and Motor Vehicles under and pursuant to Chapter 320, Florida Statutes.~~

~~(4) The Chief of the Bureau of Records and Training of the Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, Tallahassee, Florida 32301; Telephone (850) 488-7134, is hereby designated as the Agency Clerk in the Division of Florida Highway Patrol for the purpose of receiving and recording all Final Orders rendered by the Department of Highway Safety and Motor Vehicles under and pursuant to Chapter 321, Florida Statutes.~~

~~(5) The Executive Secretary to the Executive Director of the Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, Tallahassee, Florida 32301; Telephone (850) 488-6438, is hereby designated as the Agency Clerk for the purpose of receiving and recording all Final Orders rendered by the Governor and Cabinet sitting as the Head of the Department of Highway Safety and Motor Vehicles.~~

~~(6) There shall be affixed to each Final Order rendered by the Department of Highway Safety and Motor Vehicles the following Certificate of Filing executed by the appropriate Agency Clerk and providing in substance as follows:~~

~~Certificate of Filing~~

~~I HEREBY CERTIFY that the foregoing Final Order has been filed in the official records of the Division of _____ this _____ day of _____, 19_____.~~

~~(Signed) _____~~

~~(Name and Title of Position)~~

Rulemaking Specific Authority 20.05(5), 120.53(1)(a), (b), 120.59(1), 120.52(9) FS. Law Implemented 120.52(9), 120.53(1)(a), (b), 120.59(1) FS. History—New 2-3-80, Formerly 15-2.02, Repealed

15-2.003 Disputes on Bidding or the Letting of Contracts.

~~The Department of Highway Safety and Motor Vehicles frequently contracts with outside vendors to provide specialized commodities or services. In bidding and contracting procedure, policies have been adopted to insure broad dissemination of the availability of the proposed contract and fairness in the consideration of bids and proposals. Where a dispute does arise, it is the intent of the Department to resolve the matter quickly because prompt resolution is a good business practice and because delay in services to the public can adversely affect the public~~

health, safety and welfare. To this end the following procedures are to be followed in the resolution of disputes which arise in the course of bid solicitation and contract award:

(1) NOTICE OBLIGATION OF BIDDERS. At a minimum, all bidders must place on bids submitted to this Department an accurate mailing address and phone number where the bidder or agent may be reached during normal work hours.

(2) NOTICE OBLIGATION OF DEPARTMENT.

(a) The Department shall provide notice of its decision or intended decision concerning a bid solicitation or a contract award as follows: For a bid solicitation, notice of a decision or intended decision shall be sent by United States mail or by hand delivery.

(b) For any other Department decision, including a recommended contract award, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened, or by certified United States mail, return receipt requested. The notice required by this paragraph shall contain the following statement: "Failure to file a protest within the time prescribed in § 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

(3) NOTICE OF PROTEST. Any person affected adversely by an agency decision or intended decision concerning a bid solicitation or contract award shall file with the Department a written notice of protest with the agency's purchasing office within 72 hours after the beginning of the posting time of the bid tabulation, if the decision or intended decision relates to contract award and the bid solicitation provides for notice by posting; or receipt by mail of the notice in the case of all other decisions or intended decisions. The 72-hour period excludes Saturdays, Sundays and legal holidays. A formal written protest must be filed within ten days after filing of the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. Failure to observe such time limits shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Any person who files an action protesting a decision or intended decision pertaining to contracts administered by the Department pursuant to Section 120.53(5)(b), Florida Statutes, shall post with the Department at the time of filing the formal written protest, a bond pursuant to Section 287.042(2)(c), Florida Statutes.

(4) PROCEEDINGS UPON RECEIPT OF PROTEST. Upon receipt of a timely formal written protest in compliance with these rules, the agency shall not proceed further with the solicitation or with the award of the contract in issue, until such dispute is resolved by final agency action consistent with these rules, unless the Executive Director sets forth in writing particular facts and circumstances which require continuance of the bid solicitation or contract award process without delay to avoid an immediate and serious danger to the public health, safety, or welfare. In such event, such written determination shall recite with particularity the facts underlying such findings and shall constitute final agency action.

(5) RESOLUTION OF PROTEST. The Department, on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties within 7 days, excluding Saturdays, Sundays and legal holidays, of receipt of a formal written protest.

(a) If the protest is not resolved by mutual agreement within 7 days, excluding Saturdays, Sundays and legal holidays, and if no disputed issue of material fact is involved, the Executive Director shall designate a Hearing Officer who shall conduct an informal proceeding pursuant to Section 120.57(2), Florida Statutes, and applicable agency rules. The hearing shall be conducted within 15 days from designation of the Hearing Officer unless waived upon stipulation of all parties. The qualifications of such designated Hearing Officer shall be:

1. an employee of the Department of Highway Safety and Motor Vehicles; and
2. a member in good standing of the Florida Bar; or
3. a person knowledgeable by virtue of practical experience of the procedures relating to soliciting and evaluating bids for commodities or proposals for services.

Such designated Hearing Officer shall consider the petition and issue a notice of informal proceeding stating the Department's decision or intended decision and a summary of the factual, legal and policy grounds for such decision and stating time and place for affected persons to present evidence and argument on the issues under consideration. If objections and arguments are offered in opposition to the Department's action and are overruled by the Hearing Officer, a written explanation shall be provided by the Hearing Officer within seven days from the conclusion of the

informal proceeding. The designated Hearing Officer's notice of decision, and in the event objections and arguments to the agency's intended action are offered, the Hearing Officer's explanation accepting or rejecting such arguments and objections, shall be filed with the Executive Director, who shall then enter a final order in compliance with the agency's rules of procedure which shall constitute final agency action.

(b) If the petition of the protesting bidder raises a disputed issue of material fact, the petition shall be referred to the Division of Administrative Hearings within 7 days, excluding Saturdays, Sundays and legal holidays, of receipt of the formal written protest for further proceedings according to Section 120.53(5), Florida Statutes. The Hearing Officer's recommended order, together with the exceptions, if any, filed by the parties, shall be the basis for entry of a final order by the head of the Department.

Rulemaking Specific Authority 120.53(5) FS. Law Implemented 120.53(5) FS. History--New 2-1-82, Formerly 15-2.03, Amended 3-17-86, 9-24-90, Repealed

15-2.004 Designation of Official Reporter.

(1) Reporter for Subject Matter Index.

The department designates the Florida Administrative Law Reports as its official reporter for the purposes of publishing and indexing by subject matter all department Final Orders, required to be indexed by Rule 1S-6.004, Florida Administrative Code, listing all Final Orders required to be listed by Rule 1S-6.005, Florida Administrative Code, and numbering all Final Orders required to be numbered by Rule 1S-6.006, Florida Administrative Code.

(2) The department shall determine the Final Orders required to be indexed, listed, or numbered.

Rulemaking Specific Authority 120.533(1) FS. Law Implemented 120.53(4) FS. History--New 3-8-93, Repealed

15-2.005 Authority.

These rules regarding the indexing, management, and availability of Final Orders are issued pursuant to Sections 120.53 and 120.533, Florida Statutes, and Chapter 1S-6, Florida Administrative Code, and have been approved by the Department of State pursuant to Section 120.53(2)(c), Florida Statutes.

Rulemaking Specific Authority 120.53, 120.533 FS. Law Implemented 120.53(2)-(4) FS. History--New 3-8-93, Repealed

15-2.006 Purpose.

The purpose is to provide public access to Final Orders by providing for the indexing of Final Orders.

Rulemaking Specific Authority 120.53, 120.533 FS. Law Implemented 120.53(2)-(4) FS. History--New 3-8-93, Repealed

15-2.007 Indexing, Listing and Numbering.

(1) Final Orders required to be indexed may be found by utilizing the department's official reporter, Florida Administrative Law Reports (FALR). The official reporter is found at most county law libraries and is available by subscription at Florida Administrative Law Reports, Post Office Box 385, Gainesville, Florida 32602, Phone Number (352)375-8036. A subscription to FALR is maintained at the Office of General Counsel.

(2) Final Orders which are listed in the official reporter, but not indexed and published, are maintained at the Office of the appropriate Agency Clerk designated by Rule 1S-2.002, Florida Administrative Code, and are available for public inspection and copying at cost.

Rulemaking Specific Authority 120.533 FS. Law Implemented 91-30, Section 10, Laws of Florida, 120.53(2)(a) FS. History--New 3-8-93, Repealed

15-2.008 Final Orders Required to be Indexed.

Final Orders as defined in Rule 1S-6.002, Florida Administrative Code, which are required to be indexed pursuant to Rule Number 1S-6.004, shall be indexed. Final Orders which do not resolve a substantial legal issue of first

impression; establish for the first time a rule of law, principle, or policy; alter, modify, or clarify a prior Final Order; resolve conflicting Final Orders, or harmonize decisions of appellate courts shall not be indexed.

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., (d) FS. History--New 3-8-93, Repealed

15-2.009 Listing of Final Orders.

(1) The department shall maintain a list pursuant to Rule 15-2.004, Florida Administrative Code, of all Final Orders required to be listed under Rule 1S-6.005.

(2) Final Orders not resulting from a proceeding under Chapter 120, Florida Statutes, as set forth in Rule 1S-6.002, Florida Administrative Code, shall be neither listed nor indexed.

(3) Final Orders resulting from a challenge to the validity of a rule under Section 120.54(4) or 120.56, Florida Statutes, shall be neither listed nor indexed by the department. Such orders shall be listed or indexed by the Division of Administrative Hearings.

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)4. FS. History--New 3-8-93, Repealed

15-2.010 Numbering of Final Orders.

(1) All Final Orders that are required to be indexed or listed shall be sequentially numbered as rendered pursuant to Rule 1S-6.007 as set out in this rule.

(2) The sequential number shall be a two-part number separated by a dash with the first part indicating the year and the second part indicating the numerical sequence of the order as rendered for that year, beginning with number 1 each new calendar year. The assigned agency designation prefix, HSMV, shall precede the two-part number.

(3) The applicable order category shall be added as a suffix succeeding the agency designation prefix and two-part number. The order categories are as follows:

- DS - Declaratory Statement
- FOI - Final Order Informal Proceedings
- FOF - Final Order Formal Proceedings
- S - Stipulation, Settlement, or Consent Order

(4) Following the order category, the order number shall include a code identifying the division which rendered the order. As appropriate the following codes shall be used:

- (a) DDL - Division of Driver Licenses
- (b) FHP - Division of Florida Highway Patrol
- (c) D - Division of Motor Vehicles MV
- (d) DAS - Division of Administrative Services
- (e) OED - Office of Executive Director.

Rulemaking Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History--New 3-8-93, Repealed

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15-4

REPEAL RULES

RULE NUMBERS: RULE TITLE:

15-4.001: Definitions

15-4.002: Policies and Procedures

Summary of Rule

These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

Statement of Facts and Circumstances Justifying the Rule

In light of the Governor's Comprehensive Rule Review (Executive Order 11-72) and the Enhanced Biennial Review (s. 120.745, F.S.), the Department has conducted a review of all of its administrative rules and has identified many candidates for repeal throughout Chapter 15, F.A.C. In almost all cases, the rule proposed for repeal is either duplicative of existing statutory language, or authority for the rule has been repealed. A chart is attached to this notice as Exhibit 1, to further explain the agency's decision to propose repeal of each rule. The proposed repeals do not appear to require a Statement of Estimated Regulatory Costs, nor do they appear to require legislative ratification.

Federal Standards Statement

The proposed repeals do not appear to implicate or otherwise relate to federal standards or rules.

Summary of Hearing

The proposed rules were noticed in the August 17, 2012, Florida Administrative Weekly, Volume 38, Number 33, setting out a Public Hearing for September 10, 2012. No request for a hearing was received by the agency, and no hearing was held.

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- ☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with and
- ☒ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- ☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
- ☒ (a) Are filed not more than 90 days after the notice; or
- ☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
- ☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
- ☐ (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
- ☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
- ☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
- ☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or
- ☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15-4.001

15-4.002

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie Jones

Executive Director
Title

Department of Highway Safety and Motor Vehicles
Agency

1
Number of Pages Certified

15-4.001 Definitions.

~~For the purpose of this chapter, each of these words shall have the following meaning, unless the content clearly requires otherwise:~~

- ~~(1) Department—the Department of Highway Safety and Motor Vehicles.~~
- ~~(2) Lease—a legal agreement to lease a privately owned building or mobile home or any part thereof.~~
- ~~(3) State-owned—any state-owned facility regardless of use or control.~~
- ~~(4) Executive Director—the Executive Director of the Department.~~
- ~~(5) Division—the Division of the Department for which space is or will be secured by a particular lease.~~

Rulemaking Specific Authority 255.25 FS. Law Implemented 255.25(2) FS. History—New 12-6-81, Formerly 15-4.01, Amended 11-19-92, Repealed.

15-4.002 Policies and Procedures.

~~The Department shall comply with the provisions of Rule 60H-1, F.A.C.~~

Rulemaking Specific Authority 255.25, 255.249 FS. Law Implemented 255.249(2)(j), (k), (3), 255.25(2)(b), (7) FS. History—New 12-6-81, Formerly 15-4.02, Amended 11-19-92, Repealed.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15-6

REPEAL RULES

RULE NUMBERS: RULE TITLE:

15-6.001: Policy Statement
15-6.002: Definition of Sexual Harassment
15-6.003: Training Requirements
15-6.004: Disciplinary Action
15-6.005: Designation of Persons to Receive and Investigate Complaints
15-6.006: Procedure for Filing Complaint
15-6.007: Investigation Procedure and Complaint Disposition
15-6.008: Time Limitations for Intake, Investigation, Formal and Informal Disposition
15-6.009: Complainant's Right to Seek Remedy Outside of the Department

Summary of Rule

These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

Statement of Facts and Circumstances Justifying the Rule

In light of the Governor's Comprehensive Rule Review (Executive Order 11-72) and the Enhanced Biennial Review (s. 120.745, F.S.), the Department has conducted a review of all of its administrative rules and has identified many candidates for repeal throughout Chapter 15, F.A.C. In almost all cases, the rule proposed for repeal is either duplicative of existing statutory language, or authority for the rule has been repealed. A chart is attached to this notice as Exhibit 1, to further explain the agency's decision to propose repeal of each rule. The proposed repeals do not appear to require a Statement of Estimated Regulatory Costs, nor do they appear to require legislative ratification.

Federal Standards Statement

The proposed repeals do not appear to implicate or otherwise relate to federal standards or rules.

Summary of Hearing

The proposed rules were noticed in the August 17, 2012, Florida Administrative Weekly, Volume 38, Number 33, setting out a Public Hearing for September 10, 2012. No request for a hearing was received by the agency, and no hearing was held.

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- ☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with and
- ☒ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- ☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
- ☒ (a) Are filed not more than 90 days after the notice; or
- ☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
- ☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
- ☐ (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
- ☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
- ☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
- ☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or
- ☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15-6.001

15-6.002

15-6.003

15-6.004

15-6.005

15-6.006

15-6.007

15-6.008

15-6.009

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie Jones

Executive Director
Title

Department of Highway Safety and Motor Vehicles
Agency

3

Number of Pages Certified

15-6.001 Policy Statement.

It is the policy of the Department of Highway Safety and Motor Vehicles that each employee be allowed to work in an environment free from any form of improper discrimination. Sexual harassment is a form of sex discrimination under Title VII of the 1964 Civil Rights Act, and is both a willful violation of law and conduct unbecoming a state employee as provided in s. 110.227, F.S.

Rulemaking Specific Authority 120.53(1), 110.201(2) FS. Law Implemented 110.112, 110.201(2), 110.227(1), 23.161, 23.167 FS. History—New 4-18-83, Formerly 15-6.01, Repealed

15-6.002 Definition of Sexual Harassment.

Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature from any person when:

- (1) Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment; or
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive working environment.

Rulemaking Specific Authority 120.53(1), 110.201(2) FS. Law Implemented 110.112, 110.201(2), 110.227(1), 23.161, 23.167 FS. History—New 4-18-83, Formerly 15-6.02, Repealed

15-6.003 Training Requirements.

- (1) Each employee of the Department shall be furnished with a copy of these rules.
- (2) Each employee shall be given a reasonable opportunity to discuss and ask questions regarding these rules and the issue of sexual harassment generally with a supervisor, designated personnel officer, or person conducting Department training on the subject.
- (3) Each employee who has received a copy of these rules and has had the opportunity to discuss and ask questions as provided above about the Department's policy regarding sexual harassment, including possible discipline for violation of the policy and rules, shall sign a written statement to that effect. This statement shall be placed in the employee's permanent personnel file.
- (4) Each employee shall be furnished with a written notice giving the name, address and telephone number of the person or persons currently designated by the Executive Director to serve as Intake Officer. Should this information change at any time, the Department shall take reasonable measures to insure that all employees are aware of the change, but a written notice to each employee shall not be required.
- (5) The Department shall provide the above training and take employee's statements as provided in (c) above within a reasonable time following the promulgation of these rules.

Rulemaking Specific Authority 120.53(1), 110.201(2) FS. Law Implemented 110.112, 110.201(2), 110.227(1), 23.161, 23.167 FS. History—New 4-18-83, Formerly 15-6.03, Repealed

15-6.004 Disciplinary Action.

- (1) Any employee of the Department who is found to have sexually harassed another employee will be subject to disciplinary action up to and including dismissal, in accordance with Chapter 15-3, Florida Administrative Code.
- (2) Any employee in a supervisory capacity who has actual knowledge of sexual harassment involving any of those employees he or she supervises and does not take corrective action or report the matter directly to the Executive Director, or the person designated by him, shall be subject to discipline up to and including dismissal, in accordance with Chapter 15-3, Florida Administrative Code.
- (3) Any employee in a supervisory capacity who has actual knowledge of sexual harassment involving another supervisor or involving employees supervised by another and does not take corrective action within his or her

~~authority or report the matter directly to the Executive Director or person designated by him, shall be subject to discipline up to and including dismissal, in accordance with Chapter 15-3, Florida Administrative Code.~~

~~(4) Any employee who knowingly files a false complaint of sexual harassment against another, shall be subject to discipline up to and including dismissal, in accordance with Chapter 15-3, Florida Administrative Code.~~

Rulemaking Specific Authority 120.53(1), 110.201(2) FS. Law Implemented 110.112, 110.201(2), 110.227(1), 23.161, 23.167 FS. History—New 4-18-83, Formerly 15-6.04, Repealed

15-6.005 Designation of Persons to Receive and Investigate Complaints.

~~The Executive Director shall appoint an Intake Officer in the Bureau of Human Resource Management and Development and an Investigator who will receive and investigate any complaints of sexual harassment. The Executive Director may designate additional Intake Officers and Investigators when, in his judgment, there is need for additional positions.~~

Rulemaking Specific Authority 120.53(1), 110.201(2) FS. Law Implemented 110.112, 110.201(2), 110.227(1), 23.161, 23.167 FS. History—New 4-18-83, Formerly 15-6.05, Repealed

15-6.006 Procedure for Filing Complaint.

~~(1) Any employee who believes that he or she is a victim of sexual harassment, as defined above, may file an oral or written complaint with the Intake Officer in the Bureau of Human Resource Management and Development, no later than 60 days after the event giving rise to the complaint.~~

~~(2) Upon receipt of the complaint, the Intake Officer shall interview the Complainant for the purposes of:~~

~~(a) Obtaining any additional facts that may be needed to supplement the complaint;~~

~~(b) Advising the Complainant of options available through Department procedures, and through the Florida Commission on Human Relations and the federal Equal Employment Opportunity Commission;~~

~~(c) Determining what options the Complainant wishes to pursue.~~

~~(3) If the Complainant works in a Department office located outside of Tallahassee, the interview may be conducted over the telephone.~~

~~(4) If the complaint is oral, the Intake Officer shall assist the Complainant in preparing the complaint, which shall then be signed by the Complainant prior to investigation.~~

Rulemaking Specific Authority 120.53(1), 110.201(2) FS. Law Implemented 110.112, 110.201(2), 110.227(1), 23.161, 23.167 FS. History—New 4-18-83, Formerly 15-6.06, Repealed

15-6.007 Investigation Procedure and Complaint Disposition.

~~(1) After interviewing the Complainant, the Intake Officer shall forward the complaint and any supplementary facts gained through the interview to the Investigator.~~

~~(2) The Investigator shall investigate all specific allegations, interview any witnesses, including co-workers and supervisors, and take statements from witnesses if he or she deems it necessary. The Investigator shall report in writing the results of the investigation and his or her findings to the Executive Director.~~

~~(3) The Executive Director shall render a written decision either dismissing the complaint or taking appropriate corrective action. The Executive Director shall send a copy of the written decision to the Complainant and the person complained against (Respondent) by certified mail.~~

Rulemaking Specific Authority 120.53(1), 110.201(2) FS. Law Implemented 110.112, 110.201(2), 110.227(1), 23.161, 23.167 FS. History—New 4-18-83, Formerly 15-6.07, Repealed

15-6.008 Time Limitations for Intake, Investigation, Formal and Informal Disposition.

~~(1) Upon receipt of a complaint, the Intake Officer shall interview the Complainant within seven working days. This time period may be expanded upon the justifiable unavailability of the Intake Officer or the Complainant.~~

~~(2) Upon completion of the interview with the Complainant, the Intake Officer shall forward the complaint and supplemental facts gained from the interview promptly.~~

~~(3) Complaints of sexual harassment shall receive high priority from the Investigator. He or she shall report in writing the result of the investigation and his or her recommendations to the Executive Director within five working days from completion of the investigation.~~

~~(4) The Executive Director shall render his written decision dismissing the complaint or taking corrective action within 15 days of his receipt of the Investigator's report and recommendations.~~

Rulemaking Specific Authority 120.53(1), 110.201(2) FS. Law Implemented 110.112, 110.201(2), 110.227(1), 23.161, 23.167 FS. History—New 4-18-83, Formerly 15-6.08, Repealed.

15-6.009 Complainant's Right to Seek Remedy Outside of the Department.

~~At the time of notice to the Complainant of the Department's disposition of his or her complaint, the Complainant shall also be notified of federal and state complaint procedures existing through the Florida Commission on Human Relations and the Equal Employment Opportunity Commission, and the time deadlines for filing such complaints.~~

Rulemaking Specific Authority 120.53(1), 110.201(2) FS. Law Implemented 110.112, 110.201(2), 110.227(1), 23.161, 23.167 FS. History—New 4-18-83, Formerly 15-6.09, Repealed.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15-12

REPEAL RULES

RULE NUMBERS: RULE TITLE:

15-12.001: Application of Rules
15-12.002: Membership of Florida Cabinet
15-12.003: Meetings and Notice
15-12.004: Presiding Officer
15-12.005: Quorum
15-12.006: Agendas
15-12.007: Distribution of Agendas
15-12.008: Recording of Proceedings
15-12.009: Minutes
15-12.010: Order of Procedure
15-12.011: Quarterly Reports
15-12.012: Agency Action
15-12.013: Voting
15-12.014: Amendment to Rules
15-12.015: Parliamentary Matters

Summary of Rule

These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

Statement of Facts and Circumstances Justifying the Rule

In light of the Governor's Comprehensive Rule Review (Executive Order 11-72) and the Enhanced Biennial Review (s. 120.745, F.S.), the Department has conducted a review of all of its administrative rules and has identified many candidates for repeal throughout Chapter 15, F.A.C. In almost all cases, the rule proposed for repeal is either duplicative of existing statutory language, or authority for the rule has been repealed. A chart is attached to this notice as Exhibit 1, to further explain the agency's decision to propose repeal of each rule. The proposed repeals do not appear to require a Statement of Estimated Regulatory Costs, nor do they appear to require legislative ratification.

Federal Standards Statement

The proposed repeals do not appear to implicate or otherwise relate to federal standards or rules.

Summary of Hearing

The proposed rules were noticed in the August 17, 2012, Florida Administrative Weekly, Volume 38, Number 33, setting out a Public Hearing for September 10, 2012. No request for a hearing was received by the agency, and no hearing was held.

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- ☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with and
- ☒ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- ☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
 - ☒ (a) Are filed not more than 90 days after the notice; or
 - ☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
 - ☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
 - ☐ (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
 - ☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
 - ☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
 - ☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or
 - ☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15-12.001

15-12.002

15-12.003

15-12.004

15-12.005

15-12.006

15-12.007

15-12.008

15-12.009

15-12.010

15-12.011

15-12.012

15-12.013

15-12.014

15-12.015

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie Jones

Executive Director

Title

Department of Highway Safety and Motor Vehicles
Agency

4

Number of Pages Certified

15-12.001 Application of Rules.

~~Unless otherwise specifically provided by law, the following shall govern the meetings of the Department of Highway Safety and Motor Vehicles which is headed by the Governor and officers of the Florida Cabinet.~~

Rulemaking Specifie Authority 120.53(1), 120.54(9), 20.24 FS. Law Implemented 120.53(1) FS. History-New 6-9-75, Formerly 15-12.01, Repealed

15-12.002 Membership of Florida Cabinet.

~~The Florida Cabinet shall consist of the Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Agriculture, and the Commissioner of Education.~~

Rulemaking Specifie Authority 120.53(1), 120.54(9), 20.24 FS. Law Implemented 120.53(1) FS. History-New 6-9-75, Formerly 15-12.02, Repealed

15-12.003 Meetings and Notice.

~~Regular public meetings of the Governor and Florida Cabinet to transact the business of the Department of Highway Safety and Motor Vehicles shall be at 10:00 a.m. on the first and third Tuesdays of each month in the Haydon Burns Auditorium or at such other place and time in Tallahassee, Florida, as may be designated by the Governor or a majority of the Cabinet, unless there is no business to be transacted by Highway Safety and Motor Vehicles at that time. The Executive Director shall publish a standard notice of a Department of Highway Safety and Motor Vehicles meeting in the Administrative Weekly at least seven (7) days in advance. Said notice shall comply with Rule 28-102.001, F.A.C., of the model rules. A meeting shall not be held on holidays, election days, or when the number present fails to constitute a quorum. Special meetings may be held at any place or time at the call of the Governor or of a majority of the members of the Cabinet or as otherwise provided by law.~~

Rulemaking Specifie Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History-New 6-9-75, Formerly 15-12.03, Repealed

15-12.004 Presiding Officer.

~~The Governor shall be the presiding officer. In his absence, the meeting shall be presided over by the Secretary of State, or in his absence, the Attorney General.~~

Rulemaking Specifie Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History-New 6-9-75, Formerly 15-12.04, Repealed

15-12.005 Quorum.

~~A quorum shall consist of a majority of the membership of the Governor and Cabinet except where otherwise provided by law.~~

Rulemaking Specifie Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History-New 6-9-75, Formerly 15-12.05, Repealed

15-12.006 Agendas.

~~The business of the Department of Highway Safety and Motor Vehicles shall be presented to the Governor and Cabinet by the executive director of the Department of Highway Safety and Motor Vehicles or some person appointed by him. It shall be in the form of an agenda. Each item of business on each agenda requiring action by the Governor and Cabinet shall be separately presented to the Governor and Cabinet with an explanatory summary of the item and with a recommendation for action. All agenda, their explanation and recommendations, shall be supported by such additional information, not included as an integral part of the agenda, as may be necessary to fully inform the Governor and Cabinet of the matter before it. The agenda shall contain the items to be considered in the order of presentation. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside, and stated in the record. Notification of such change shall be at the earliest~~

practicable time. Any item deferred must be reagendaed for the next regularly schedule meeting of the Governor and Cabinet unless a longer period of deferment is approved by a majority vote of the Governor and Cabinet. The Department of Highway Safety and Motor Vehicles committee reports shall be received at a meeting of the Department of Highway Safety and Motor Vehicles. Any matters contained in a committee report which require action by the Governor and Cabinet must be submitted to the Department of Highway Safety and Motor Vehicles for evaluation, recommendation and presentation on an agenda.

Rulemaking Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History-New 6-9-75, Formerly 15-12.06, Repealed

15-12.007 Distribution of Agendas.

All agenda containing items for consideration by the Governor and Cabinet shall be furnished to each member concerned by 5:00 p.m. of the eighth calendar day prior to the regular meeting day and made available for distribution on request of any interested person. Charges may be made for duplication and distribution of agendas to such interested parties.

Rulemaking Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History-New 6-9-75, Formerly 15-12.07, Repealed

15-12.008 Recording of Proceedings.

The Secretary of State shall record electronically the proceedings of each meeting, which proceedings shall be transcribed into writing and copies distributed to the Governor and Cabinet members. The electronic recording and the transcribed record shall be permanently filed in the Office of the Secretary of State.

Rulemaking Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History-New 6-9-75, Formerly 15-12.08, Repealed

15-12.009 Minutes.

The executive director of the Department of Highway Safety and Motor Vehicles shall keep the official minutes of the meeting of the Department of Highway Safety and Motor Vehicles, transcribe them into writing, and have them approved the next time the department appears before the Governor and Cabinet with an agenda.

The minutes, when approved, of each meeting of the Department of Highway Safety and Motor Vehicles shall be the official and controlling record of the meeting. The minutes, before being submitted for approval, shall be checked against the electronic recordings of each meeting to ascertain their accuracy.

Rulemaking Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History-New 6-9-75, Formerly 15-12.09, Repealed

15-12.010 Order of Procedure.

The order of procedure for the regular meetings shall be as follows: Invocation and Pledge of Allegiance Introduction of Guests Presentation of Resolutions and Awards Meetings of the commissions, departments or boards in the following order:

A. Board of Administration

Governor

Comptroller

Treasurer

B. Administration Commission

Governor and Cabinet

C. Land and Water Adjudicatory Commission

Governor and Cabinet

D. Department of Criminal Law Enforcement

Governor and Cabinet

~~E. Department of Highway Safety and Motor Vehicles
Governor and Cabinet
F. Department of Revenue
Governor and Cabinet
G. Department of Education
Governor and Cabinet
H. Department of General Services
Governor and Cabinet
I. Department of Natural Resources
Governor and Cabinet
J. Board of Trustees of the Internal Improvement Trust Fund
Governor and Cabinet~~

Rulemaking Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History—New 6-9-75, Formerly 15-12.10, Repealed

15-12.011 Quarterly Reports.

~~The Executive Director of the Department of Highway Safety and Motor Vehicles listed under Rule 5B 12.010, F.A.C. above, shall submit a quarterly report to the Governor and members of the Cabinet. Such report shall be presented as an agendaed item during a regularly scheduled meeting not later than one month following the end of each quarter. Whenever an audit report is issued on the Department of Highway Safety and Motor Vehicles, the Executive Director of the Department of Highway Safety and Motor Vehicles shall include an explanation of said report in the next regular quarterly report. Such explanation shall include the areas of criticism identified in the audit report and any actions taken to resolve or correct the criticisms. The quarterly report that is due immediately preceding the start of a regularly scheduled session of the Florida Legislature shall also include any recommendations for reorganization plus a brief summary of the proposed legislative program of the Department of Highway Safety and Motor Vehicles and information to show why the proposed changes are needed.~~

Rulemaking Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History—New 6-9-75, Formerly 15-12.11, Repealed

15-12.012 Agency Action.

~~Action of the Department of Highway Safety and Motor Vehicles shall be by motion, duly made, seconded and passed by simple majority or as otherwise required by law.~~

Rulemaking Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History—New 6-9-75, Formerly 15-12.12, Repealed

15-12.013 Voting.

~~It shall be the duty of the presiding officer to determine the vote on each motion. If any member desires to record the vote of any motion, he shall be granted the right on request. No member may abstain on any motion where a vote is called unless otherwise provided by law.~~

Rulemaking Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History—New 6-9-75, Formerly 15-12.13, Repealed

15-12.014 Amendment to Rules.

~~These rules may be amended in conformity with the requirements of Chapter 120, F.S.~~

Rulemaking Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History—New 6-9-75, Formerly 15-12.14, Repealed

15-12.015 Parliamentary Matters.

~~Parliamentary matters not covered in these rules shall be governed by Roberts Rules of Order Newly Revised.~~

Rulemaking Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History—New 6-9-75, Formerly 15-12.15, Repealed _____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15-13

REPEAL RULES

RULE NUMBERS: RULE TITLE:

15-13.001: Definitions

15-13.002: Purpose and Scope

15-13.003: Goal

15-13.004: Procedures

Summary of Rule

These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

Statement of Facts and Circumstances Justifying the Rule

In light of the Governor's Comprehensive Rule Review (Executive Order 11-72) and the Enhanced Biennial Review (s. 120.745, F.S.), the Department has conducted a review of all of its administrative rules and has identified many candidates for repeal throughout Chapter 15, F.A.C. In almost all cases, the rule proposed for repeal is either duplicative of existing statutory language, or authority for the rule has been repealed. A chart is attached to this notice as Exhibit 1, to further explain the agency's decision to propose repeal of each rule. The proposed repeals do not appear to require a Statement of Estimated Regulatory Costs, nor do they appear to require legislative ratification.

Federal Standards Statement

The proposed repeals do not appear to implicate or otherwise relate to federal standards or rules.

Summary of Hearing

The proposed rules were noticed in the August 17, 2012, Florida Administrative Weekly, Volume 38, Number 33, setting out a Public Hearing for September 10, 2012. No request for a hearing was received by the agency, and no hearing was held.

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- ☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with and
- ☒ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- ☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
- ☒ (a) Are filed not more than 90 days after the notice; or
- ☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
- ☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
- ☐ (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
- ☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
- ☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
- ☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or
- ☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15-13.001

15-13.002

15-13.003

15-13.004

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie Jones

Executive Director
Title

Department of Highway Safety and Motor Vehicles
Agency

2

Number of Pages Certified

15-13.001 Definitions.

(1) "Act" means the Florida Small and Minority Business Assistance Act of 1985 as enacted by Chapter 85-104, Laws of Florida.

(2) This rule chapter incorporates by reference those definitions contained in the Act, s. 288.703, F.S.

(3) "Department" means the Department of Highway Safety and Motor Vehicles.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0947 FS. History—New 8-8-88, Repealed

15-13.002 Purpose and Scope.

The Department, pursuant to the provisions of the Act, adopts these rules to promote and enhance the participation of certified minority business enterprises in providing commodities, contractual services, architectural and engineering services and construction contracts, other than those construction contracts which are subject to the provisions of Chapter 339, F.S., to the Department. The Department is committed to the legislatively stated goal of assisting certified minority business enterprises in gaining entry into the procurement arena and securing a percentage of the Department's procurement dollars which will help to stimulate and develop Florida's minority business sector.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0947, 287.0945(1), 287.042(4)(f)(1) FS. History—New 8-8-88, Amended 6-10-92, Repealed

15-13.003 Goal.

It shall be a goal of the Department to the extent permitted by law to spend 21% of the moneys actually expended by the Department for construction contracts, 25% of the moneys actually expended by the Department for architectural and engineering contracts, 24% of the moneys actually expended for commodities, and 50.5% of the moneys actually expended for contractual services during the previous fiscal year and reported to the Legislature pursuant to s. 216.023, F.S., for the purpose of entering into contracts with certified minority business enterprises, pursuant to s. 287.042(4)(f), F.S.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0947, 287.042(4)(f)(1) FS. History—New 8-8-88, Amended 6-10-92, Repealed

15-13.004 Procedures.

(1) The Department shall annually submit a minority business enterprise utilization plan for review and approval by the Minority Business Enterprise Assistance Office, Department of General Services.

(2) The Executive Director of the Department shall appoint a senior level employee to administer the Minority Business Procurement Program. The program administrator shall be responsible for:

(a) Seeking out, identifying, compiling and maintaining a list of minority-owned firms which have provided, or desire to provide, services or commodities to the Department;

(b) Making all discretionary purchases less than the threshold amount for Category II purchases, whenever economically feasible and practicable, from certified minority business enterprises;

(c) Reviewing contracts to determine those which could be reserved for bidding only among certified minority business enterprises;

(d) Coordinating minority business enterprise activities with the Minority Business Enterprise Assistance Office, Department of General Services;

(e) Providing the Florida Small Business Development Center of the State University System with copies of all formal solicitations for contractual services, supplies and commodities, architectural and engineering services, and construction contracts.

(3) The Department shall provide assistance to certified minority business enterprises in preparing bids or proposals in response to advertised invitations to bid or requests for proposals.

(4) The Department shall require, when feasible and practical, prime contractors to utilize certified minority

business enterprises as subcontractors on state funded projects.

~~(5) The Department shall annually develop minority participation goals based upon available data in accordance with the State Comptroller's determination of amounts expended during the previous fiscal year.~~

~~(6) The Department shall assure timely payment to vendors and contractors as provided in s. 215.422, F.S.~~

~~(7) The Department may encourage participation by minority business enterprises in the state purchasing system by providing, when feasible and approved by the State Comptroller, advance payments of the contract amount.~~

~~(8) The Department may waive bonding requirements for all construction contracts in excess of \$100,000.00 and not more than \$200,000.00 when contracting with certified minority business enterprises.~~

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 215.422(1), (2), (3), 255.05(1)(a), 287.0947(2), 288.705 FS. History—New 8-8-88, Amended 6-10-92, Repealed.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15B-2

SPEED MEASURING DEVICES

RULE NUMBERS: RULE TITLE:

15B-2.013: Approved Speed Measuring Devices

15B-2.016: Tests to Determine Accuracy of Laser Speed Measuring Devices

Summary of Rule

The Department proposes amending ch. 15B-2.013, F.A.C., in order to incorporate speed measuring devices that have been approved since the last revision. The proposed amendment to ch. 15B-2.016 is meant to revise a form incorporated therein. The change to the form is to remove the phrase "Max. Limit 300uW," terminology that has become obsolete (see the Federal Standards Statement below, for additional detail on this issue.)

Statement of Facts and Circumstances Justifying the Rule

Chapter 15B-2.013, F.A.C., provides a listing of all currently approved speed measuring devices for use in the State of Florida. The devices are listed by the manufacturer's corporate name and model number. Since the last revision to section 15B-2.013, F.A.C., the Department has approved several additional speed measuring devices for use in the State of Florida. The Department would like to include these newly approved devices in the rule.

Chapter 15B-2.016, F.A.C., includes a reference to form DHSMV 61071, Laser Speed Measuring Device Certification. The form includes a reference to "Max. Limit 300 uW" that has become obsolete. The Department proposes amending the section for the sole purpose of incorporating a new version of the form that removes the "300 uW" language.

Federal Standards Statement

With respect to the "300 uW" language in Form DHSMV 61071, the Florida Highway Patrol notes that all law enforcement lasers must be "Class 1" lasers (see ch. 15B-2.014(e), F.A.C.). A designation as a "Class 1" laser is derived from the federal standards established under by the Food & Drug Administration's Department of Health and Human Services. (See 21 CFR 1040.10). This so-called "1040 Standard" is also compatible to the international standard IEC 60825. Both of these standards were revised and phased in during 2002. Class 1 lasers are lasers that are safe for use under any circumstances and can be viewed by the naked eye. The power output of a Class 1 laser will vary according to its use and the aperture of the optics associated with the laser. The "Max. 300 uW" language on the existing form pre-dates the FDA's latest standards and is effectively superseded by the more specific Class 1 designation.

Summary of Hearing

The Notice of Proposed Rule Development was noticed in the May 4, 2012, Florida Administrative Weekly, Volume 38, Number 18, setting out a public workshop for May 21, 2012. There were no attendees to the workshop.

The Notice of Proposed Rule was noticed in the August 17, 2012, Florida Administrative Weekly, Volume 38, Number 33, setting out a Public Hearing for September 10, 2012. No request for a hearing was received by the agency, and no hearing was held.

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- ☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with and
- ☒ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- ☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
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- ☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
- ☐ (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
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- ☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15B-2.013

15B-2.016

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____

Julie Jones

Executive Director

Title

Department of Highway Safety and Motor Vehicles
Agency

1
Number of Pages Certified

15B-2.013 Approved Speed Measuring Devices.

The following speed measuring devices have been approved for use in this State by the Department pursuant to this rule Chapter.

(1) Radar units acquired for use in this State after August 1, 1982, are listed below. Additional radar units will be approved by the Department based on conformance to these rules. Evidence of approval of additional units shall be by a Certificate of Approval Form HSMV 60013 (Rev. 7/03), which is available by contacting the Florida Highway Patrol, Neil Kirkman Building, Tallahassee, Florida 32399-0500, or by disseminating the listing of additional units on the Florida Crime Information Center (FCIC) computer system, or by listing on the Division of Florida Highway Patrol website.

(a) Applied Concepts, Inc., formerly known as Applied Concepts Marketing

1-8 No change

9. Stalker Patrol

(b) No change

(c) Decatur Electronics, Inc.-

1-10 No change

11. Scout

(d)-(e) No change

(f) – M.P.H. Industries, Inc., or CMI/MPH or CMI/MPH Industries, Inc.-

1-11 No Change

12. Ranger EZ

(g) No change

(2)-(4) No change

(5) Laser speed measuring devices (LSMD) – Evidence of approved LSMD shall be by a certificate or listing on the FCIC computer, or by a listing on the Division of Florida Highway Patrol website, as set forth in subsection (1) of this rule. In addition, the following LSMDs are approved for use in this State:

(a) Kustom Electronics, Inc., or Kustom Signals, Inc. – Model Prolaser II; Model Prolaser III; Pro-Lite Plus; Model Prolaser IV;

(b) Laser Technology, Inc. – Model Marksman/LTI 20-20, Model Ultralyte LTI 20/20 Lidar, Model Ultralyte 100LR and 200LR, Model Ultralyte LRB; Model LTI 20/20 TruSpeed; Model LTI 20/20 TruSpeed S;

(c) Applied Concepts, Inc. – Model Stalker Lidar; Stalker LR; and

(d) Laser Atlanta Optics, Inc. or Laser Atlanta, LLC – Model Speed Laser, Model Speed Laser B Model Speed Laser R, Model Speed Laser S; and-

(e) DragonEye Technology, LLC – Laser Ally.

Rulemaking Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History—New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, 5-23-04, 1-1-09, 6-6-10, _____.

15B-2.016 Tests to Determine Accuracy of Laser Speed Measuring Devices.

(1) No change.

(2)(a)-(c) No change.

(d) Each test shall be recorded on form Laser Speed Measuring Device Certification, HSMV 61071 (Rev. 05/12) (1/09) which is incorporated by reference. Blank forms are available by contacting the Department at the address described in subsection 15B-2.0082(1), F.A.C.

(e) No change.

Rulemaking Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History—New 10-18-94, Amended 5-23-04, 1-1-09, _____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15B-2

SPEED MEASURING DEVICES

RULE NUMBERS: RULE TITLE:

15B-2.013: Approved Speed Measuring Devices

15B-2.016: Tests to Determine Accuracy of Laser Speed Measuring Devices

Summary of Rule

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Statement of Facts and Circumstances Justifying the Rule

Chapter 15B-2.013, F.A.C., provides a listing of all currently approved speed measuring devices for use in the State of Florida. The devices are listed by the manufacturer's corporate name and model number. Since the last revision to section 15B-2.013, F.A.C., the Department has approved several additional speed measuring devices for use in the State of Florida. The Department would like to include these newly approved devices in the rule.

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Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15B-2.013

15B-2.016

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie Jones

Executive Director
Title

Department of Highway Safety and Motor Vehicles
Agency

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Number of Pages Certified

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(a) Applied Concepts, Inc., formerly known as Applied Concepts Marketing

1-8 No change

9. Stalker Patrol

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(d)-(e) No change

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(b) Laser Technology, Inc. - Model Marksman/LTI 20-20, Model Ultralyte LTI 20/20 Lidar, Model Ultralyte 100LR and 200LR, Model Ultralyte LRB; Model LTI 20/20 TruSpeed; Model LTI 20/20 TruSpeed S;

(c) Applied Concepts, Inc. - Model Stalker Lidar; Stalker LR; and

(d) Laser Atlanta Optics, Inc. or Laser Atlanta, LLC - Model Speed Laser, Model Speed Laser B Model Speed Laser R, Model Speed Laser S; and-

(e) DragonEye Technology, LLC - Laser Ally.

Rulemaking Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History-New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, 5-23-04, 1-1-09, 6-6-10, _____.

15B-2.016 Tests to Determine Accuracy of Laser Speed Measuring Devices.

(1) No change.

(2)(a)-(c) No change.

(d) Each test shall be recorded on form Laser Speed Measuring Device Certification, HSMV 61071 (Rev. 05/12) (1/09) which is incorporated by reference. Blank forms are available by contacting the Department at the address described in subsection 15B-2.0082(1), F.A.C.

(e) No change.

Rulemaking Specifie Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History-New 10-18-94, Amended 5-23-04, 1-1-09, _____.