

# ACCESS MANAGEMENT RULES AND FORMS



4/3/2017

Rules 14-96, 14-97, and Statute 335.18  
formatted for easy cites with forms

Compiled and formatted 04/03/2017. The administrative rules  
and forms formatted with full cites such as 14-97.003 (3) (e)

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**CHAPTER 14-96  
STATE HIGHWAY SYSTEM CONNECTION PERMITS**

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**14-96.001 Purpose.**

This rule chapter is adopted to implement the State Highway System Access Management Act for the regulation and control of vehicular access and connection points of ingress to, and egress from, the State Highway System, and other transportation facilities under the Department’s jurisdiction except for limited access facilities. This rule chapter does not apply to limited access facilities. The permitting of connections within the controlled access portion of interchange areas, pursuant to paragraph 14-97.003(1)(j), F.A.C., however, is subject to the permitting procedures in this rule chapter. This rule chapter describes the connection permit application process and procedures, a voluntary preapplication process, and requirements for relocation, alteration, or closure of connections to the State Highway System.

*Rulemaking Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History–New 4-18-90, Amended 7-16-95, 1-23-03.*

**14-96.0011 Forms.**

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Title	Form Number	Date
Driveway/Connection Application – Category A	850-040-14	09/02
Driveway/Connection Application for All Categories	850-040-15	04/03
Receipt of Connection Application and Fee (or Waiver of Fee)	850-040-16	04/03
Record of Waived Requirements for All Categories	850-040-17	09/02
Driveway Connection Permit for All Categories	850-040-18	06/06
Record Drawings Report by Permittee’s Professional Engineer	850-040-19	09/02
Security Instrument Receipt	850-040-20	04/93
State Highway Access Connection Completeness Review	850-040-21	11/94
Applicant Time Extension Form	850-040-22	04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit	850-040-23	06/06
Proposed State Highway Access Connection Notice of Intent to Issue Permit	850-040-24	06/06
Violation and Notice to Show Cause	850-040-26	06/06

These forms are available from the Department of Transportation’s local area Maintenance Office, District Office, Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

*Rulemaking Authority 334.044(2), 335.182(2), 335.184 FS. Law Implemented 334.044(14), (28), 335.18-.187 FS. History–New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 12-28-03, 7-2-06.*

**14-96.002 Definitions.**

For the purposes of this rule chapter the following definitions of the terms shall apply unless the context clearly indicates otherwise:

**14-96.002 (1)** “Applicant” means the person submitting a connection permit application. An applicant may be a property owner or the owner’s authorized agent. The Department will also accept a connection permit application by a person holding an unrecorded interest in the property, such as a lease, that includes the right of access to the property, upon written proof of authorization from the property owner to submit the application executed before a notary public.

**14-96.002 (2)** “Application” means a completed Driveway/Connection Application – Category A, Form 850-040-14, 09/02, or Driveway/Connection Application for All Categories, Form 850-040-15, 04/03, the required application fee, and related property, site, driveway, roadway and traffic information required in this rule chapter.

**14-96.002 (3)** “Average Daily Traffic (ADT)” means the average number of vehicles passing a specific point on a connection or roadway on an average day.

**14-96.002 (4)** “Connection” means as defined in Section 335.182(3)(a), F.S.

**14-96.002 (5)** “Connection Category” means a Department assigned permit designation based on estimated vehicle trips per day to and from the property as set forth by Rule 14-96.004, F.A.C., or derived through generally accepted professional practice.

**14-96.002 (6)** “Connection Permit” means a written authorization issued by the Department allowing for the construction of a specifically designed connection and any specific conditions related to the subject connection to the State Highway System at a specific location generating an estimated volume of traffic.

**14-96.002 (7)** “Connection Relocation, Alteration, or Closure” (pursuant to Section 335.187, Florida Statutes) means as follows:

**14-96.002 (7) (a)** “Alteration” of a connection means Department action to substantially change the width of a connection or to change the availability of right turn exits or right turn entries. For purposes of this provision, two connections, one providing right turn entry and the other providing right turn exit, shall be considered one connection if they are within functional proximity of each other.

**14-96.002 (7) (b)** “Closure” of a connection means a prohibition of the ability to enter and exit via the connection.

**14-96.002 (7) (c)** “Relocation” of a connection means an action to substantially move a connection, or to move a connection to a service road connected to the state highway.

**14-96.002 (8)** “Controlled Access Facility” for the purpose of this rule chapter means a transportation facility to which access is regulated through the use of a permitting process by the Department.

**14-96.002 (9)** “Department” means the Florida Department of Transportation.

**14-96.002 (10)** “Development Approval or Order” means an official action by the governmental authority having jurisdiction to approve a development site plan or to authorize construction of any permanent improvements on the property.

**14-96.002 (11)** “Directional Median Opening” means an opening in a restrictive median designed to control certain and specific turning movements from the state highway.

**14-96.002 (12)** “Distance Between Connections” means the distance measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

**14-96.002 (13)** “Florida Intrastate Highway System” means the system of limited access and controlled access facilities, which are part of the State Highway System, and are developed and managed to have the capacity to provide for high speed and high volume traffic movements in an efficient and safe manner. Highways on the Florida Intrastate Highway System may only be included as part of this system as designated pursuant to Sections 334.04 and 338.001, F.S.

**14-96.002 (14)** “Full Median Opening” means an opening in a restrictive median designed to allow all safe turning movements.

**14-96.002 (15)** “Generally Accepted Professional Practice” for the purpose of this rule chapter means the use of professional engineering and planning knowledge in the applicable professional publications, such as traffic studies or traffic study guidelines done in accordance with the procedures of recognized traffic or transportation organizations and agencies such as the Transportation Research Board, Eno Foundation, Institute of Transportation Engineers, or design standards or principles of the American Association of State Highway and Transportation Officials (AASHTO), the Department, or the Federal Highway Administration (FHWA).

**14-96.002 (16)** “Governmental Entity” means as defined in Section 11.45, F.S., or an officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

**14-96.002 (17)** “Joint Use Connection” means a connection that provides access to more than one property or development including those in different ownerships.

**14-96.002** (18) “Limited Access Facility” means a street or highway established as such pursuant to Section 338.01, F.S., and meeting the definition of Section 334.03(13), F.S., including interchange areas and other facilities within the limited access right of way.

**14-96.002** (19) “Median” means the portion of a divided highway separating vehicular traffic traveling in opposite directions. See “Restrictive Median” and “Non-Restrictive Median” also defined.

**14-96.002** (20) “Modification” of a connection means relocation, alteration, or closure of a connection.

**14-96.002** (21) “Non-Restrictive Median” means a median or painted centerline which does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes highways with continuous center turn lanes and undivided highways. See “Restrictive Median” also defined.

**14-96.002** (22) “Operational Characteristics of a Connection,” as specified in Section 335.184(3), F.S., means turning movements, turning radii, channelization, grade, and connection width.

**14-96.002** (23) “Property Owner” means the person or persons holding the recorded title to property abutting the State Highway System, and other persons holding a recorded interest in such property that includes the right of access.

**14-96.002** (24) “Public Road System” means the State Highway System, county roads, and city streets.

**14-96.002** (25) “Reasonable Access” means the minimum number of connections, direct or indirect, necessary to provide safe and efficient ingress and egress to the State Highway System based on Section 335.18, F.S., the Access Management Classification, projected connection and roadway traffic volumes, and the type and intensity of the land use.

**14-96.002** (26) “Replacement” means reconstructing an existing connection without alteration or relocation of the connection.

**14-96.002** (27) “Restrictive Median” means the portion of a divided highway physically separating vehicular traffic traveling in opposite directions. Restrictive medians are physical barriers that restrict movement of traffic across the median such as a concrete barrier, a raised curb island guard rail, or a grassed or swaled median.

**14-96.002** (28) “Right of Way” means land or interest therein, acquired for or devoted to transportation purposes. More specifically, land in which the governmental entity owns the fee simple title, has an easement devoted to or acquired for use as a public road and appurtenant facilities, or has established ownership by means of a published map pursuant to Section 95.361, F.S.

**14-96.002** (29) “Safety Upgrade Category” includes all modifications to existing connections initiated by the property owner, which improve the safety of the public road system(s) and the connection. This category is not applicable to connections involving significant change. Examples of this type of work are increase of turning radii, channelization, resurfacing, relocation to improve connection spacing, widening or narrowing of a connection to better meet Department standards, and connection closure.

**14-96.002** (30) “Security Instrument” means a letter of credit or bond as described in Section 334.187, F.S.

**14-96.002** (31) “Significant Change” means as defined in Section 335.182, F.S. If the Department determines that the increased traffic generated by the property does not require modifications to the existing permitted connections, a new permit application shall not be required.

**14-96.002** (32) “State Highway System” means the network of limited access and controlled access highways that have been functionally classified as such, and which are under the jurisdiction of the State of Florida pursuant to Section 334.03(25), F.S.

**14-96.002** (33) “Traffic Control Features and Devices” includes signs, markings, traffic signals, channelizing islands, medians, median openings, and turn lanes, described in the *Manual on Uniform Traffic Control Devices* (MUTCD), (incorporated by reference in Rule 14-15.010, F.A.C.).

**14-96.002** (34) “Traveled Way” means the portion of roadway for the movement of vehicles, not including shoulders and auxiliary lanes.

**14-96.002** (35) “Trip” means a one way vehicle movement. For example, one customer visiting an establishment in a car usually equals two trips, one in and one out.

**14-96.002** (36) “Trip Generation” means the number of trips, existing or projected, based on actual counts or the estimation methodology in the 6th Edition of the Institute of Transportation Engineers *Trip Generation Report* or other generally accepted professional practice.

**14-96.002** (37) “Vehicle Trips Per Day (VTPD)” means the average number of vehicle trips generated on an average day by a specific site development. For the purpose of this rule chapter VTPD will not be adjusted for roadway diversion, which estimates what percent of land use trips were already existing on the road system and not new trips specially generated by the land use.

*Rulemaking Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, 1-23-03, 12-28-03.*

### 14-96.003 General Provisions.

14-96.003 (1) **Local Permits and Approvals.** Connection permits authorize the initiation of construction of connections within Department right of way and the maintenance of connection(s) according to the permit provisions and adopted department standards. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required before the initiation of the connection construction. No person may construct, relocate, or alter a connection without first obtaining a connection permit from the Department, as provided in this rule chapter, regardless of governmental entity permits and approvals.

14-96.003 (2) **Pre-Application.** Prior to filing an application and prior to receipt of development or site plan approval, all applicants, but in particular those applying for a Category C, D, E, F, or G connection, are strongly encouraged to request a pre-application meeting to review the site plan with the Department and other governmental entities, as appropriate, with respect to the proposed connection(s)' location. This review will be performed by the Department without a fee.

14-96.003 (2) (a) **Purpose of Pre-Application Meeting.** The purpose of the pre-application meeting is to establish the connection(s) category and the general location and design of connection(s) to the property. Traffic study requirements may also be determined during this meeting.

14-96.003 (2) (b) **Non-Binding Nature of the Pre-Application Meeting.** The pre-application meeting is advisory only and the results of this meeting are not binding on the Department or the applicant. An application must be submitted and a connection permit must be issued before the applicant can initiate construction.

#### 14-96.003 (3) **Cost of Construction.**

14-96.003 (3) (a) The cost of all construction related to the permit shall be the responsibility of the applicant.

14-96.003 (3) (b) Existing permitted connections impacted by the Department's current construction activities and which require relocation, alteration, closure, or safety upgrade in order to meet current adopted Department standards shall be relocated, altered, closed, or upgraded for safety by the Department at no cost to the permittee.

14-96.003 (4) **Traffic Control Features and Devices in the State Right of Way.** Traffic control features and devices in the right of way, such as traffic signals, channelizing islands, medians, median openings, and turn lanes are operational and safety characteristics of the State Highway System and are not means of access. The Department may install, remove, or modify any present or future traffic control feature or device in the right of way to promote traffic safety in the right of way or promote efficient traffic operations on the highway. A connection permit is only issued for connections and not for any present or future traffic control features or devices at or near the permitted connections. The permit may describe these features and/or devices, but such description does not create any type of interest in such features.

14-96.003 (5) **Other Review Processes.** The Department shall not be obligated to permit or approve any connection, traffic control feature or device, or any other site related improvement that has been specified in a development approval process separate from the official connection approval process described in this rule chapter. However, early coordination may minimize conflicts at application time.

14-96.003 (6) **Alternative Access Plans.** If the requirements of Rule Chapter 14-97, F.A.C., or other adopted Department access management standards, cannot be reasonably complied with, or if the standards can be met but the applicant desires to submit an alternative plan, the applicant may submit alternative access plans which will require approval of the Department's District Secretary or designee. The acceptance of any alternative access plans shall be based upon maximum achievement of the purpose of Rule Chapter 14-97, F.A.C., and Sections 335.18-.188, F.S. Any alternative access plan proposed under this section will need to provide documentation, in a traffic study signed and sealed by a professional engineer registered in the State of Florida of how the plan better serves the driving public and not just the applicant or its clients or customers. The Department will also consider the transportation conditions stated in Section 335.184(3)(a), F.S. See also, subparagraph 14-96.007(4)(a)2. and Rule 14-96.009, F.A.C.

14-96.003 (7) **Limited Access Facilities.** Owners of property abutting limited access facilities have no right of access to such facilities. Requests for any access (such as new interchanges) to limited access facilities will not be processed under this rule chapter.

*Rulemaking Authority 334.044(2), 335.182(2), 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History--New 4-18-90, Amended 7-16-95, 1-23-03.*

### 14-96.004 Connection Categories and Fees.

All connections, public or private, shall be determined by the Department to be in one of the following categories:

14-96.004 (1) **Standard Connection Categories.** The following table summarizes the standard connection categories and

application fees:

DESCRIPTION/PROJECTED AVERAGE VEHICLE TRIPS PER DAY OF SITE	APPLICATION FEE
Category A – Uses to 20 VTPD	\$ 50
Category B – Uses with 21 - 600 VTPD	\$ 250
Category C – Uses with 601 - 1,200 VTPD	\$1,000
Category D – Uses with 1,201 - 4,000 VTPD	\$2,000
Category E – Uses with 4,001 - 10,000 VTPD	\$3,000
Category F – Uses with 10,001 - 30,000 VTPD	\$4,000
Category G – Uses with 30,001 + VTPD	\$5,000

14-96.004 (2) **Special Connection Categories.**

14-96.004 (2) (a) “**Temporary Connection Category**” provides a temporary, time limited connection to the State Highway System for a specific property, use, and estimated traffic volume. Such uses may include forest land clearing and temporary agricultural or construction uses. This category may not be used for permanent construction at a site where it is reasonably expected that the use is the ultimate use of the property. Further, a temporary connection permit does not bind the Department in any way to the future issuance of a permanent connection permit at the temporary connection location. The permittee shall remove, at the permittee’s own cost, the temporary connection at the end of the permit period or shall apply for an extension or a new permit. The fee for this category is \$250 for a six month period. The period will be extended for increments of six months upon written request, payment of a new fee, and a showing of good cause, such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the applicant. However, in no event shall the period extend beyond 24 consecutive months. The Department reserves the right to remove any temporary connection upon expiration of the permit.

14-96.004 (2) (b) A “**Government Entity Category**” provides for a connection or connection modification for any new or substantially improved public road or connection to a governmental facility. The fee will be waived if the applicant is a governmental entity.

14-96.004 (2) (c) “**Safety Upgrade Category**” shall not be used for connections involving significant change. These applications shall be initiated by the applicant and will not require a fee.

14-96.004 (3) **Phased Developments.** New phases of an existing development requiring a new permit will have their fee based on the development in the individual phase.

14-96.004 (4) **Fee Payment Type.** Full payment of fees shall be made by cashier’s check, certified check, personal or business check, cash, or money order, and shall be made payable to the State of Florida Department of Transportation at the time of application. Checks drawn on governmental entity accounts will be accepted by the Department. The use of pre-paid accounts are also allowed in accordance with the Department’s pre-paid account practices. If at any time during the application process a check for the fee is returned for insufficient funds, the applicant will be notified that the application is not complete and no further processing will occur until a cashier’s check, certified check, personal or business check, cash, or money order is presented. The application fee is non-refundable, as required by Section 335.183, F.S.

*Rulemaking Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History–New 4-18-90, Amended 7-16-95, 1-23-03, 1-25-04, 3-19-06.*

**14-96.005 Application.**

14-96.005 (1) **Connection Permit Application and Information.** The Driveway/Connection Application – Category A, Form 850-040-14 (09/02) and Driveway/Connection Application for All Categories, Form 850-040-15, (04/03), and application information are available from the office of the local area Maintenance Engineer, District Office, or Urban Area Office. A complete application shall consist of the Connection Permit Application, (with original signatures, the number of signatures to be determined by the District staff) application fee, site plans, drawings, traffic data, and connection and roadway information specified in this rule chapter.

14-96.005 (1) (a) The Department suggests that prior to submitting an application the applicant ask the Department about the level of detail and additional information requirements pursuant to this rule chapter. See subsection 14-96.003(2),

F.A.C.

*14-96.005* (1) (b) The Department will request clarification or additional information required in this rule chapter during the application review process where the applicant has failed to complete the application.

*14-96.005* (1) (c) Failure to provide the requested information within time limits specified within this rule chapter shall result in the review and decision being based on information provided.

*14-96.005* (1) (d) An application will not be accepted if the appropriate fee is not paid.

*14-96.005* (1) (e) The applicant shall be allowed to submit any site specific information which the applicant deems to be pertinent to the Department's review of the connection application.

*14-96.005* (2) **Changes in Property Use.**

*14-96.005* (2) (a) Where additional traffic is projected due to expansion or redevelopment, the property owner shall contact the Department to determine if a new permit application and modification of existing connections will be required. If the Department determines that the increased traffic generated by the property results in a significant change, a new application shall be required.

*14-96.005* (2) (b) Failure to contact the Department to determine the need for connection modifications or to submit a new application for such modifications prior to initiation of property improvements, land use changes, or traffic flow alteration actions which constitute significant change will result in notification to the property owner of the Department's intent to revoke or modify the existing permit and closure of the connection to the property as specified in subsection 14-96.011(2), F.A.C.

*14-96.005* (2) (c) **Vacant or Abandoned Sites.** For purposes of determining the "existing use" of a property under the definition of significant change, the following criteria apply:

*14-96.005* (2) (c) 1. For connections under Sections 335.187(1) and (2), F.S., the use of the property on July 1, 1988, shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

*14-96.005* (2) (c) 2. For connections under Section 335.187(4), F.S., the use of the property reflected in the permit shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

*14-96.005* (2) (c) 3. The use of a property is considered discontinued when there has been a cessation of trips to the property, except for trips to maintain or market the property associated with that use. The use of the property will also be considered discontinued where the business located on the property has been out of service for a period of one year or more.

*14-96.005* (2) (c) 4. If the use of a business has been discontinued for the period of one year or more, any use proposed by an applicant shall constitute significant change.

*14-96.005* (2) (d) The applicant is responsible for all costs associated with relocation, alteration, or closure of a connection if the need for relocation, alteration, or closure is caused by the actions of the applicant.

*14-96.005* (3) **Information Required for All Applications.** The following information is required of all applications for all connections categories:

*14-96.005* (3) (a) Identification of property owner and applicant. The complete names and current mailing addresses and telephone numbers of property owner(s), the applicant, and the authorized representative.

*14-96.005* (3) (b) Notarized letter of authorization. If the applicant desires to have a representative sign, file, and handle the application, a notarized letter of authorization from the applicant designating the authorized representative shall be provided with the application package.

*14-96.005* (3) (c) Responsible person. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished with the application.

*14-96.005* (3) (d) Signatures. The names of all individuals signing the application and their titles shall be typed or printed with the signatures.

*14-96.005* (3) (e) Property use. The existing and planned property use shall be noted in sufficient detail to determine the appropriate connection category of the application.

*14-96.005* (3) (f) Location of all existing and proposed connections. This will include a site plan indicating any physical features (existing and proposed) that would have an impact on traffic circulation and sight distance on the public road system. Examples of such physical features are walls, fences, trees, mail boxes, gates, and utility poles.

*14-96.005* (4) **Additional Information Required for Category C, D, E, F, and G Applications.** In addition to the information

required on all applications, the following information is required on all Category C, D, E, F, and G application:

14-96.005 (4) (a) **Trip generation data.** The applicant will estimate the site's ADT and peak hour trip generation. The peak hour(s) will be proposed at the time of application or conceptual review based on the most critical hour for the proposed property use. This determination of the most critical peak hour will be made considering both the peaking characteristics of the proposed site and the surrounding road system. Estimates shall be made in accordance with the 6th Edition *Trip Generation Report*, published by the Institute of Transportation Engineers, Washington D.C., or other generally accepted professional practice. If the Department determines, that the trip generation data provided by the applicant are not accurate or not realistic, the Department will require further trip generation analysis signed, sealed and dated by a Professional Engineer registered in the State of Florida.

14-96.005 (4) (b) **Site plan.** Each site plan submitted with a Category C, D, E, F, or G application shall contain the following (by phase) (recent aerial photographs of sufficient scale and clarity may be used in conjunction with the following):

14-96.005 (4) (b) 1. **Any physical features** (existing or proposed) such as buildings, other structures, or natural features which would have an impact on traffic circulation and sight distances on the public road system.

14-96.005 (4) (b) 2. **Traffic circulation plan** and parking lay out.

14-96.005 (4) (b) 3. **Right of way and property lines** (surveys are acceptable, but not required).

14-96.005 (4) (b) 4. Any **existing joint access or cross access** connection features.

14-96.005 (4) (b) 5. **A plat map** showing abutting parcels and ownership.

14-96.005 (4) (c) **Transportation facility and neighboring connection information.** Each site plan submitted for a Category C, D, E, F, or G application shall also contain the following information:

14-96.005 (4) (c) 1. Road names and highway numbers for all abutting roads and highways.

14-96.005 (4) (c) 2. The Department's county section and milepost number (this identification is available at the Department).

14-96.005 (4) (c) 3. Existing laneage for all roads abutting the development, including left and right turn storage and auxiliary lanes and medians.

14-96.005 (4) (c) 4. Location of future roads (known to the applicant) and improvements to existing roads abutting or entering the property.

14-96.005 (4) (c) 5. Neighboring connections and median openings. The location and type of connections (on both sides of the road), median openings, intersections, and traffic signals within the following distances from the site's property lines:

14-96.005 (4) (c) 5 a. If the posted speed limit is over 45 MPH then the distance of the features documented shall be 1,320 feet, or to the closest public street intersection, whichever is less.

14-96.005 (4) (c) 5 b. If the posted speed limit is 45 MPH or less, the distance of the features documented shall be 660 feet, or to the closest public street intersection, whichever is less.

14-96.005 (4) (c) 5 c. Recent aerial photographs of sufficient scale and clarity to depict the site and the immediate area may be used to provide this information.

14-96.005 (4) (c) 5 d. The Department will waive or reduce the requirement for neighboring connection information where restrictive medians or other physical features negate the need for this information.

14-96.005 (4) (c) 5 e. If the Department determines that additional information is needed (such as connection location farther than the distances stated here) the Department shall request such information in writing and at the same time provide the justification for the need for information in writing.

14-96.005 (4) (d) **Connection location and design information.** Applications for connection Categories C, D, E, F, and G, as well as public road system connections and those connections requiring auxiliary lanes, shall contain detailed connection and design information, in accordance with the Department's *Plans Preparation Manual*, January 2000, or other generally accepted professional practice. This information shall be signed, sealed, and dated by a Professional Engineer registered in the State of Florida. The connection location and design information will include:

14-96.005 (4) (d) 1. Location of all proposed connections, connection profiles, as well as public road system connections, and those connections requiring auxiliary lanes, connection width, connection radii, connection angle.

14-96.005 (4) (d) 2. Design and cross section (to the right of way line) of auxiliary lanes and pavement to serve the

requested connection(s).

14-96.005 (4) (d) 3. Location and type of traffic control devices proposed.

14-96.005 (4) (d) 4. Proposed pavement marking and signing.

14-96.005 (4) (d) 5. Location and type of drainage features existing and proposed within the right of way.

14-96.005 (4) (d) 6. Median opening design and cross-section, for any new or modified median or median opening to be used by the property's traffic.

14-96.005 (4) (d) 7. Type of roadway materials to be used.

14-96.005 (4) (d) 8. Location and type of existing utilities.

14-96.005 (4) (d) 9. The maintenance of traffic control plan must conform to the Federal *Manual on Uniform Traffic Control Devices*, incorporated by reference in Rule 14-15.010, F.A.C. The maintenance of traffic plan must also conform to the Department's *Design Standards*, January 2002, incorporated by reference in Rule 14-96.008, F.A.C. The expected time of roadway closure must be in accordance with the Department's *Plans Preparation Manual*, January 2003, incorporated by reference in Rule 14-96.008, F.A.C., or other generally accepted professional practice. A maintenance of traffic plan which does not conform to the *Plans Preparation Manual* and the *Design Standards* must be signed and sealed by a Professional Engineer registered in the State of Florida.

14-96.005 (4) (d) 10. Horizontal and vertical curvature of abutting roads where severe topography or sight distance concerns warrant.

14-96.005 (4) (d) 11. Indication of all proposed turning movements.

14-96.005 (4) (e) **Traffic Study Requirements. For Category C, D, E, F, and G applications**, or any application requesting or requiring a new traffic signal, new median opening, auxiliary lane, or modified median opening, the following traffic study data requirements apply. The specific detail and content of the traffic study will vary depending upon the existing and projected traffic volumes, highway capacity, levels of service, and safety concerns. Any traffic study (except a cursory analysis, such as an indication of peak hour movements from the applicant's site) must be signed, dated, and sealed by a Professional Engineer registered in the State of Florida. All work submitted by such a Professional Engineer in a traffic study will be reviewed by or under the supervision of a Department Professional Engineer registered in the State of Florida. The traffic study must include:

14-96.005 (4) (e) 1. Critical peak hour turn movements from each proposed connection and abutting public road in graphic form.

14-96.005 (4) (e) 2. Traffic operations analysis of sufficient depth to analyze the impacts of the development on the surrounding transportation system.

14-96.005 (4) (e) 3. An appropriately sized study area and time horizon based upon the type and size of the development.

14-96.005 (4) (f) Category C Exemptions. Category C applicants are exempt from some of the requirements listed above if the applicant can show that the information would have no significant bearing on the permitting decision process.

*Rulemaking Authority 334.044(2), (27), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 334.044(28), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, 1-23-03, 12-28-03.*

#### **14-96.007 Application Submittal, Review, Approval, and Conditions.**

14-96.007 (1) **Application Submittal.** The application shall be submitted to the Department's District Permits Office or to the Department's District Maintenance Office.

14-96.007 (2) **Application Completeness Review.** The Department shall notify the applicant within 30 days of submittal, using State Highway Access Connection Completeness Review, Form 850-040-21, (11/94), if additional information is needed, or if there are errors or omissions. This notification will list those items needed to complete the application, consistent with the requirements of this rule chapter or additional information needed to evaluate the application. If such a request for additional information is given to an applicant within the 30-day period, the application will be deemed incomplete until the additional requested information is supplied to the Department. An application that requires a fee will not be accepted without the fee.

14-96.007 (2) (a) Unless otherwise indicated in the notice of completeness review, applicants must provide such requested information within 60 days of the receipt of the Access Connection Completeness Review Form.

14-96.007 (2) (b) If the additional information has not been received by the Department within the prescribed time from

the date of notification, the application shall be processed based upon the information provided.

*14-96.007 (2) (c)* If no additional information is requested during the prescribed 30-day Completeness Review Period, the application shall be deemed complete as of the date the Department received the application.

*14-96.007 (3) Applicant Time Extension.* If the applicant needs more time to provide additional information or correct deficiencies in the application than allowed under this rule chapter, then the applicant may request a waiver of the time requirements by stating the reasons in writing on an Applicant Time Extension Form, Form 850-040-22, (04/93).

*14-96.007 (4) Technical Planning and Engineering Sufficiency/Compliance Review.* The applicant will be notified within 90 days of receipt of a complete application, receipt of all required information, or expiration of the time period for receipt of additional or corrected information. The notification will include the Department's decision of approval or denial of the application.

*14-96.007 (4) (a) Notice of Intent to Issue Permit.* The Department shall send the applicant a Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), if either:

*14-96.007 (4) (a) 1.* The Department determines that an application is consistent with Rule Chapters 14-96 and 14-97, F.A.C., and there is no need to exceed the minimum standards as stated in paragraph 14-97.003(1)(e), F.A.C.; or

*14-96.007 (4) (a) 2.* The Department determines that an application is not consistent with Rule Chapters 14-96 and 14-97, F.A.C., but that denial of a connection would be denial of reasonable access and that such a connection would not jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway, consistent with Rule 14-96.007, F.A.C.

*14-96.007 (4) (b) Direct Permitting.* If an applicant provides an application that otherwise meets all the requirements of Rule Chapters 14-96 and 14-97, F.A.C., and the Department is not imposing any additional conditions, the Department will issue a permit.

*14-96.007 (4) (c) Notice of Intent to Deny.* The Department shall send the applicant Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06), if the Department determines that an application is not consistent with currently adopted Department rules and design standards or additional site specific operations and safety concerns as stated in paragraph 14-97.003(1)(e), F.A.C., apply, and;

*14-96.007 (4) (c) 1.* The Department determines that denial of a connection would not be a denial of reasonable access; or

*14-96.007 (4) (c) 2.* The Department determines that denial of a connection would be a denial of reasonable access but that a connection would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway.

*14-96.007 (4) (d) Additional Connections.* When an applicant seeks a permit for additional or alternative connection(s) the previously permitted connections are presumed to provide reasonable access to the State Highway System unless the property owner shows:

*14-96.007 (4) (d) 1.* That there has been a change in the use of the property from that reflected in the application(s) for the previously approved connection(s), which change has or will cause an increase in the trip generation (peak hour or daily) of the property exceeding 25 percent more than reflected in the prior application(s), and that such change in use and increase in trip generation was not reasonably foreseeable at the time the application(s) for the previously approved connection(s) was filed; or

*14-96.007 (4) (d) 2.* That circumstances relating to traffic safety and efficiency, outside the control of the permittee, have arisen that were not reasonably foreseeable at the time of approval of the connections that prevent the connection(s) from providing reasonable access to the highway.

*14-96.007 (4) (e) Agreements made after Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06), is issued.* If an agreement is made between an applicant and the Department which will allow the Department to approve a connection, this agreement will not be effective nor supersede the Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06), unless it is in writing, executed by the applicant and the Department, and appropriate revisions are reflected on signed and sealed construction plans before the time period allowed for a denial challenge has expired. The agreement will completely describe the mutually agreed access plan.

*14-96.007 (5) Conditions of the Notice of Intent to Issue Permit.* The Proposed State Highway Access Driveway/Connection

Notice of Intent to Issue Permit, Form 850-040-24, (06/06), shall set forth all conditions not otherwise required by this rule chapter for issuance of a permit and maintenance of the connection(s). The notice will specify which of the conditions set forth in the notice must be met before issuance of a permit and those that must be met after the permit is issued.

*14-96.007 (5) (a) **Not a Permit.*** The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), does not authorize the initiation of connection construction within the Department right of way but acknowledges completion of the Department review and indicates the Department's intent to issue a permit upon compliance with the conditions stated in the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06).

*14-96.007 (5) (b) **Time Period.*** A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), is valid for one year and may not be revoked during that period, provided that no material change has occurred in the proposed development or traffic characteristics on the abutting State Highway System. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), may be extended, upon Department approval, upon a showing of good cause by the applicant (such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the applicant). A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), may be assigned to a purchaser or new occupant within one year of issuance if there is no change in the land use or in the site plan and the Department is notified of the reassignment by the original applicant.

*14-96.007 (5) (c) **Standard Conditions.*** The following standard conditions will apply to all Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), before a connection permit can be issued:

*14-96.007 (5) (c) 1.* Development approval from the appropriate governmental entity consistent with the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06);

*14-96.007 (5) (c) 2.* Assurance of performance pursuant to Section 334.187, F.S.

*14-96.007 (5) (c) 3.* An indemnity agreement shall be executed by the applicant wherein it is agreed that the Department shall be indemnified, defended, and held harmless from any and all claims, demands, costs, or expense for loss, damage, or injury to persons or property of the other caused by, arising out of, or resulting from:

*14-96.007 (5) (c) 3 a.* Any act or omission by the applicant or the applicant's contractors, agents, servants, or employees in connection with any construction activities undertaken pursuant to the connection permit.

*14-96.007 (5) (c) 3 b.* The negligence of the applicant or negligence of the applicant's contractors, agents, servants, or employees.

*14-96.007 (5) (c) 3 c.* Any other event or act that is the result of, or proximately caused by, the applicant or the applicant's contractors, agents, servants, or employees in constructing or maintaining the connection or any other features.

*14-96.007 (5) (c) 4.* Compliance with drainage requirements in Rule Chapter 14-86, F.A.C.

*14-96.007 (5) (c) 5.* Special requirements added to promote safety and efficiency.

*14-96.007 (5) (c) 6.* Liability Insurance for All Category C, D, E, F, and G Permits. Before construction is to begin, the applicant shall deliver to the Department proof of insurance verifying that the applicant or the applicant's contractor has coverage under a liability insurance policy issued by an insurance company authorized to do business in the State of Florida naming itself as insured, and the Department as an additional named insured, which policy shall contain a contractual endorsement specifically covering the liabilities arising from the indemnity agreement.

*14-96.007 (5) (c) 6 a.* The policy shall provide public liability insurance, including property damage, in the amount of \$500,000 combined single limit for each occurrence.

*14-96.007 (5) (c) 6 b.* The above required policy shall be endorsed with a provision requiring the insurance company to notify the Department 30 days prior to the effective date of cancellation or of any material change in the policy if the change occurs during the construction period.

*14-96.007 (5) (c) 6 c.* The applicant shall pay all premiums and other charges due on said policy and keep said policy, or a materially identical replacement policy, in force to insure the entire period of construction of the connection.

*14-96.007 (6) **Issuance of Permit.*** A Driveway Connection Permit for All Categories, Form 850-040-18, (06/06), will be issued

after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. A permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06). A permit authorizes construction for one year from the date of issuance and expires if construction of the connection is not completed within that period.

*14-96.007* (6) (a) **Failure to Comply.** If the Department determines that the applicant has failed to comply with all conditions required prior to the issuance of a permit, it shall notify the applicant that the Department will not issue a permit and specify the conditions that have not been met. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

*14-96.007* (6) (b) **Permit Time Extension.** The permit will be extended beyond the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the permittee.

*14-96.007* (7) **Concurrent Governmental Entity Review.** Nothing contained herein shall preclude concurrent review of the permit application by the Department and governmental entities.

*14-96.007* (8) **Permit Conditions.** Failure by the applicant to abide by the permit conditions that are applicable after permit issuance shall be just cause for the Department to order alteration of the connection, or to revoke the permit and close the connection at the expense of the applicant, subject to the provisions in this rule chapter, or for the Department to have the necessary modifications made and seek payment from the applicant. The permit requirements shall be binding on the applicant, the applicant's successors, heir, and assigns, the permit application signatories, and all future owners and occupants of the property. The Department may require permits to be recorded in the public records with the legal description of the property when cross or joint access exists, when permit conditions requiring future performance by the permittee exist such as installation of traffic control features or devices, or when other conditions warrant recording.

*14-96.007* (9) **Government Owned Rail or Non-Highway Use Corridors.** Corridors including separate pedestrian trails, bike trails, current or abandoned exclusive bus or transit corridors, current or abandoned rail corridors, or waterways, are not part of the State Highway System and are not subject to the provisions of the Access Management Act, Sections 335.18-.188, F.S. These corridors, that abut the state highway system, are considered intervening property and property on the other side of such a corridor will not be considered to be abutting the State Highway System. Action will be taken under Rule 14-96.011, F.A.C., to modify an existing connection across a corridor if it interferes with the safe or efficient operation of the corridor or State Highway System.

*Rulemaking Authority 334.044(2), 334.187(4), 335.182(2), 335.184 FS. Law Implemented 334.187, 335.181-.1825, 335.184, 335.185 FS. History-- New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 12-28-03, 7-2-06.*

#### **14-96.008 Construction and Maintenance of Traffic Requirements.**

All construction and maintenance on Department right of way shall conform to the Federal *Manual on Uniform Traffic Control Devices* (MUTCD), incorporated by reference under Rule 14-15.010, F.A.C. All construction and maintenance on Department right of way shall also conform to the Department's *Design Standards*, January 2002, Topic #625-010-003; the *Standard Specifications for Road and Bridge Construction*, 2000 Edition, the Department's *Plans Preparation Manual*, January 2003, or other generally accepted professional practices. With the exception of the MUTCD, which already is incorporated by reference under Rule 14-15.010, F.A.C., the manuals and standards specifically listed in this section are hereby incorporated by reference and made a part of the rules of the Department of Transportation.

*14-96.008* (1) **Disruption of Traffic.** For safety and operational purposes, the Department may require or restrict hours of construction to minimize disruption of traffic on the State Highway System. When construction activity on a connection causes undue disruption of traffic or creates safety hazards on a state highway, the District Secretary or designee shall advise the permittee of the need for immediate corrective action by a specified time, and may issue a stop work order if deemed necessary.

*14-96.008* (2) **Connection Completion Time Limit.** Construction shall be completed within one year of the date of issuance of the permit. Failure to comply with the one year time limit shall result in an automatic expiration of the permit unless extended by the Department as described in Section 335.185(2), F.S. A stop work order may be issued by the Department if work exceeds the imposed time restrictions. For any permit which expires for failure to construct the connection within the one year limit, the

applicant shall submit a new application, including the payment of the required application fee prior to the initiation or continuation of any construction.

**14-96.008 (3) Assurance of Performance.** Assurance of performance pursuant to Section 334.187, F.S., will be required if the permit requires extensive work within the right of way, such as auxiliary lanes, median modifications, relocation of structures, or traffic signals.

**14-96.008 (3) (a)** Prior to the issuance of a permit, the applicant shall provide a security instrument in the estimated dollar amount of the improvements in the right of way. The Department shall be named as the beneficiary. The security instrument shall be provided to the Department before the permit is issued. The security instrument shall be valid for a sufficient time to cover the construction and inspection of the permitted work, but for not less than 18 months.

**14-96.008 (3) (b)** The applicant shall provide the estimated cost of improvements on right of way in a document signed, sealed, and dated by a Professional Engineer registered in the State of Florida.

**14-96.008 (3) (c)** Security Instrument Receipt, Form 850-040-20, (04/93) must be used.

**14-96.008 (3) (d)** Such security instruments shall be required except when a performance bond covering the work on the right of way is included as part of the bond necessary for development approval by the local governmental entity and the Department is a named beneficiary.

**14-96.008 (3) (e)** The Department will waive the security instrument requirement when there is an agreement with the local governmental entity to withhold the certificate of occupancy until problems are corrected and there is no indication that the requirements of this rule chapter will be violated.

**14-96.008 (3) (f)** The Department shall require a security instrument for any connection or access feature, construction, or permit activity if the activity is in relation to:

**14-96.008 (3) (f) 1.** An unpermitted connection that is going through the process of becoming permitted;

**14-96.008 (3) (f) 2.** The correction of a safety hazard caused by activities on the property; or

**14-96.008 (3) (f) 3.** Modification of an existing connection or traffic control feature or device as per Rule 14-96.011, F.A.C., for changed conditions on the property.

**14-96.008 (3) (g)** The security instrument will be returned to the applicant when final inspection by the Department shows that the work has been completed as permitted.

**14-96.008 (4) Posting of Permit.** The approved connection permit shall be displayed in a prominent location in the vicinity of the connection construction.

**14-96.008 (5) Traffic Signals and Other Traffic Control Devices.** Such devices, installed by an applicant, shall conform to the MUTCD and Department design and construction standards. The applicant is responsible for securing any additional permit or governmental entity approval needed for traffic signalization and regulatory signing and marking.

**14-96.008 (6) Professional Engineer Statement of Construction for Extensive Roadway Construction or Large Developments.** If the permit requires extensive work within the right of way, such as auxiliary lanes, median modifications, relocation of structures, or traffic signals, a statement from the project's Professional Engineer will be necessary. The applicant will provide documentation by a Professional Engineer registered in the State of Florida that construction was accomplished in accordance with the requirements set out in the permit. This documentation shall include a statement that necessary inspections, tests, and physical measurements have been made, that construction was accomplished in accordance with the design information included with the connection permit in accordance with Rule Chapter 14-96, F.A.C., and that all materials entering into the work conform to the specifications in the connection permit, conform to the applicable specifications contained in the *Standard Specifications for Road and Bridge Construction*, 2000 edition as amended, or otherwise conform to or meet generally accepted professional practices. The Record Drawings Report by Permittee's Professional Engineer, Form 850-040-19, (09/02), shall be used for this purpose.

**14-96.008 (7) Utility and Right of Way User Notification.** The applicant has the responsibility to determine and notify the users of the right of way of the permitted construction. The applicant shall also resolve any conflicts within the right of way. Before a permit is issued, the applicant shall show documentation of this notification and resolution of conflicts.

*Rulemaking Authority 334.044(2), 335.182(2), 335.184 FS. Law Implemented 334.044(14), 334.187, 335.181-.1825, 335.185 FS. History—New 4-18-90, Amended 7-16-95, 1-23-03.*

#### **14-96.009 Non-conforming Connection Permits.**

The Department shall issue a permit for a connection not meeting Department location and spacing criteria standards if the Department determines that a conforming connection is not attainable at the time of the permit application submittal, that denial would leave the property without access to the public road system, and that the connection would not jeopardize the safety of the public or have a negative impact upon the operation of the highway. The Department also shall issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the State for restoring or maintaining the operational efficiency and safety of the State Highway System. Non-conforming connection permits shall specify conditions or limits including:

*14-96.009 (1)* The maximum vehicular usage of the connection.

*14-96.009 (2)* The construction of a conforming connection when future alternate means can be obtained with removal of the non-conforming connection.

*14-96.009 (3)* The properties to be served by the connection.

*Rulemaking Authority 334.044(2), 335.182(2), 335.184 FS. Law Implemented 334.044(14), 335.181-.1825, 335.185 FS. History–New 4-18-90, Amended 1-23-03.*

#### **14-96.011 Modification of Connections.**

*14-96.011 (1) Validity of Existing Permits.* All connection permits issued by the Department after July 1, 1988, remain valid until modified pursuant to the criteria set forth in this rule chapter. The Department will initiate action to modify any permit or existing permitted connection if any of the following occurs:

*14-96.011 (1) (a)* A significant change.

*14-96.011 (1) (b)* The connection was not constructed at the location or in accordance with the design specified in the permit.

*14-96.011 (1) (c)* Permit conditions are not met by the permittee.

*14-96.011 (1) (d)* Such revocation or modification is determined to be necessary because the connection poses a current or potential safety or operational problem on the State Highway System. This problem must be substantiated by an engineering study signed and sealed by a Professional Engineer registered in the State of Florida. Such engineering study shall consider, the following:

*14-96.011 (1) (d) 1. Analysis of accidents* or operational analysis directly involving the connection or similar connections, or a traffic conflicts analysis of the site.

*14-96.011 (1) (d) 2.* Analysis of the impact modification of the connection will have on maintenance or safety on the public road system.

*14-96.011 (1) (d) 3.* Analysis of the impact modification of the connection will have on traffic patterns and circulation on the public road system.

*14-96.011 (1) (d) 4.* The principles of transportation engineering as determined by generally accepted professional practice.

*14-96.011 (1) (e)* If the Department acts to revoke or modify a permit, the Department shall offer an opportunity to meet on site with the property owner or designated representative. The Department will take into consideration the following:

*14-96.011 (1) (e) 1.* Documents, reports, or studies obtained by the property owner and provided to the Department.

*14-96.011 (1) (e) 2.* Alternative solutions proposed by the property owner.

*14-96.011 (2) Notification Process for Permitted Connections.* Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

*14-96.011 (2) (a)* If the reason for the modification is due to noncompliance, this notice will include the Violation and Notice to Show Cause, Form 850-040-26, (06/06). The notification shall state that, unless the deficiencies are corrected, the permit shall be modified and the connection to the State Highway shall be modified by the Department at the expense of the property owner.

*14-96.011 (2) (b)* If the reason for modification is due to significant change the notice will state the basis of the Department's determination for modification of an existing connection. Where the Department's action has become final

and no timely application for a new connection permit has been filed, the Department will take immediate action to modify the connection in accordance with the notice.

*14-96.011 (2) (c)* If the reason for revocation or modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

*14-96.011 (3) Unpermitted Connections.*

*14-96.011 (3) (a) Grandfathered Connections to the State Highway System.* Connections permitted or in existence prior to July 1, 1988, use of which have never been discontinued as described in subparagraph 14-96.005(2)(c)3., F.A.C., are considered "grandfathered" and shall not require the issuance of a permit and may continue to provide connection to the State Highway System except as provided in subsection (4).

*14-96.011 (3) (b) Unpermitted/Non-Grandfathered Connections.* All other unpermitted connections are subject to closure in accordance with paragraph (5)(b).

*14-96.011 (4) Modification of Grandfathered Connections.*

*14-96.011 (4) (a)* The Department will require that a permit be obtained in accordance with subsection 14-96.005(3), F.A.C., pursuant to the provisions of Section 335.187(1), F.S., if significant changes have occurred.

*14-96.011 (4) (b)* The Department will modify a connection if such modification is determined to be necessary because the connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the state highway. The problem may be substantiated by an engineering study signed, sealed, and dated by a professional engineer registered in the State of Florida. Such engineering study shall consider the following:

*14-96.011 (4) (b) 1.* Analysis of accidents or operational analysis directly involving the connection or similar connections, or a traffic conflicts analysis of the site.

*14-96.011 (4) (b) 2.* Analysis of the impact modification of the connection will have on maintenance or safety on the public road system.

*14-96.011 (4) (b) 3.* Analysis of the impact modification of the connection will have on traffic patterns and circulation on the public road system.

*14-96.011 (4) (b) 4.* The principles of transportation engineering as determined by generally accepted professional practice.

*14-96.011 (4) (c)* If the Department acts to modify a connection, the Department shall offer an opportunity to meet on site with the property owner or designated representative. The Department will take into consideration the following:

*14-96.011 (4) (c) 1.* Documents, reports, or studies obtained by the property owner or lessee and provided to the Department.

*14-96.011 (4) (c) 2.* Alternative solutions proposed by the property owner.

*14-96.011 (5) Notification Process for Modification of Unpermitted Connections.* Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

*14-96.011 (5) (a)* The Department shall give written notice to the property owner, with a copy to the occupant, for a grandfathered connection if significant changes have occurred or if the connection is found to cause a safety or operational problem (as specified in this rule chapter). The notice will identify the specific information regarding the safety or operational problem and request that the problem be corrected or that a written agreement on a schedule for the correction be approved by the Department within 30 days of receipt of the notice.

*14-96.011 (5) (a) 1.* If the reason for the modification is due to significant change the notice will state the basis of the Department's determination and require the filing of a permit application by a specified date. Where the Department's requirement to file an application has become final and no timely application has been filed, the Department will take immediate action to modify the connection in accordance with the notice at the owner's expense.

*14-96.011 (5) (a) 2.* If the reason for the modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

*14-96.011 (5) (b)* If a timely request for an administrative proceeding is filed, or a permit application is filed within the 21 days, no further action shall occur until review of the application or the administrative proceeding is complete. If the connection is not

closed and no timely application or request for an administrative proceeding is filed, the Department will take immediate action to install barriers across or modify the connection at the property owner's expense.

*14-96.011 (5) (b) 1.* If a timely application is approved, the Department may allow the existing connection to be used for a period of time specified or until the connection specified in the permit application is constructed and the existing connection is closed. If necessary to ensure safety and highway integrity, modifications of unpermitted connections will be required by the Department as a requirement of permit approval, subject to the requirements of this rule chapter and Chapter 120, F.S. If the application is denied, the Department shall notify the property owner or lessee of the denial, with a copy to the occupant, and shall immediately close the unpermitted connection(s), subject to the provisions of this rule chapter and Chapter 120, F.S.

*14-96.011 (5) (b) 2.* In lieu of filing an application, the property owner or lessee may challenge the requirement to file a permit application by filing in accordance with Rule Chapter 28-106, F.A.C., a timely written request (within 21 days of receipt of notice) for an administrative proceeding stating the reasons why a permit is not required for the connection. In such a case, final action to modify the unpermitted connection shall be taken in accordance with the results of the administrative proceeding.

*14-96.011 (6) Responsibility for Costs of Correcting Deficiencies.* The property owner and current user of the connection shall be responsible for the costs of modifications required pursuant to actions taken in accordance with the procedure in Rule 14-96.011, F.A.C.

*Rulemaking Authority 334.044(2), 335.182(2), 335.1825(3) FS. Law Implemented 334.044(14), 335.182, 335.187 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 7-2-06.*

#### **14-96.0121 Immediate Remedial Action Against Hazards.**

This rule chapter shall not restrict the Department's right to take immediate remedial action, including the modification of a connection if there is an immediate and serious danger to the public health, safety, and welfare as determined in writing by the District Secretary or designee. Upon determination that there is a need for immediate remedial action against hazards, the District Secretary or designee shall issue an order in compliance with Section 120.60, F.S., and the Department shall provide the property owner and occupant with written notice of the Department's immediate action to modify the connection and of the right to contest the decision pursuant to Rule Chapter 28-106, F.A.C.

*Rulemaking Authority 334.044(2), 335.182(2), 335.1825(3) FS. Law Implemented 120.60(8), 335.182 FS. History—New 7-16-95, Amended 1-23-03.*

#### **14-96.015 Department Design and Construction Projects.**

When existing connections are modified by a Department project, access will be provided to abutting properties, subject to reasonable regulation as referred to in Section 335.181(2)(b), F.S. To the maximum extent feasible, this new access will be consistent with adopted Department connection standards.

*14-96.015 (1)* Corridors will be examined during the preliminary engineering and design phases to determine if existing connections, median openings, and signals spacing and design standards are in conformance, or can be brought into conformance, with adopted Department standards.

*14-96.015 (2)* When a permitted or grandfathered connection is modified as part of a Department construction project, and not due to a significant change, no additional permit shall be required.

*14-96.015 (3)* Where connections are to be modified as part of a Department construction project, and the Department is not planning to acquire any portion of the property for the project, the Department will provide notice and opportunity for an administrative proceeding pursuant to Rule 14-96.0011, F.A.C., and Chapter 120, F.S. For purposes of paragraph 14-96.011(1)(d), F.A.C., construction plans for a Department project signed, sealed, and dated by a Professional Engineer registered in the State of Florida shall substantiate a connection's non-conformance with Department standards or potential safety or operational problem, and a separate engineering study shall not be required.

*14-96.015 (4)* The construction of new connection points, if approved by the Department through the permit process in this rule chapter, shall be at the property owner's expense by either the Department's contractor as part of the construction project or by the owner's contractor.

*14-96.015 (5)* The Department will bear the cost of modification of existing approved connections necessitated solely by Department construction projects.

14-96.015 (6) The Department shall require that work done by the owner's contractor be accomplished without interfering with the Department's contractor.

*Rulemaking Authority 334.044(2), 335.182(2), 335.188 FS. Law Implemented 334.044(14), 335.182-.1825 FS. History--New 4-18-90, Amended 7-16-95, 1-23-03.*

**14-96.016 Maintenance of Connections and Traffic Control Devices.**

**14-96.016 (1) Maintenance of Connections.**

14-96.016 (1) (a) Rural Section. Department maintenance shall extend to five feet from the edge of pavement (including auxiliary lanes) or to the limits of paved shoulders. The remainder of any paved or unpaved connection area on the right of way shall be maintained by the owner or the authorized agent.

14-96.016 (1) (b) Urban (Curb and Gutter) Section. Department maintenance of pavement shall extend to the existing or maintained right of way line or to the back of sidewalk, whichever distance is less.

14-96.016 (1) (c) Drainage. Control and maintenance of drainage facilities within the right of way shall be solely the responsibility of the Department, unless otherwise specified in the connection permit.

**14-96.016 (2) Maintenance of Traffic Control Devices.**

14-96.016 (2) (a) The maintenance and operation of highway lighting, traffic signals, associated equipment, and other necessary devices shall be the responsibility of the governmental entity having maintenance jurisdiction of the equipment or devices. During the construction of connection(s), the permittee will be responsible for the operation, repair, replacement, or provision of temporary maintenance, if traffic control devices are impacted by the permittee's operations.

14-96.016 (2) (b) All pavement markings on the State Highways System, including acceleration and deceleration lane markings, and signing installed for the operation of the State Highway System shall be maintained by the Department.

14-96.016 (2) (c) All signing and markings required for the operation of the connection (such as stop bars and stop signs for the connection) shall be the responsibility of the property owner and current user entity responsible for the connection, or governmental entity having jurisdiction over the connection, road, or intersection of the state highway regardless of the owner of the right of way as provided in Chapter 316, F.S.

*Rulemaking Authority 334.044(2), 335.182(2), 335.184, 335.188(3) FS. Law Implemented 334.044(14), 335.182-.1825 FS. History--New 7-16-95, Amended 1-23-03.*

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**DRIVEWAY/CONNECTION APPLICATION**  
**CATEGORY A**

850-040-14  
SYSTEMS PLANNING  
09/02

(INDIVIDUAL HOMES, DUPLEXES OR OTHER USES LESS THAN 20 TRIPS/DAY TOTAL)

OFFICE USE ONLY	
Application Number: _____ Category: _____ Section Road Number & Mile Post: _____	Accepted By: _____ FDOT STAFF (TYPE OR PRINT) Date: _____
APPLICANT COMPLETE REMAINDER OF FORM	
PART I: APPLICANT INFORMATION (Please type or print)	
<b>APPLICANT:</b> _____ Mailing Address: _____ City, State, Zip: _____ Telephone: _____ Physical Address of Site (if different): _____ Attach Map & Drawing If Necessary	
<b>PROPERTY OWNER:</b> (if different from above) _____ Mailing Address: _____ City, State, Zip: _____ Telephone: _____	
PART 2: NOTICE TO APPLICANT	
Proposed traffic control features and devices in the right of way, such as median openings and other traffic control devices, are not part of the connection(s) to be authorized by a connection permit. The Department reserves the right to change these features in the future in order to promote safety in the right of way or efficient traffic operations on the highway. Expenditure by the applicant of monies for installation or maintenance of such features shall not create any interest in the features or their maintenance.	
PART 3: CERTIFICATION AND SIGNATURE	
I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief such information is true, complete and accurate. I will not begin work on the connection until I receive my Permit and I understand all the conditions of the Permit. When I begin work on the connection I am accepting all conditions listed in my Permit.	
Signed: _____ (Applicant)	Date: _____
Printed Name: _____	

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**DRIVEWAY/CONNECTION APPLICATION  
FOR ALL CATEGORIES**

850-040-15  
SYSTEMS PLANNING  
04/05  
Page 1 of 3

OFFICE USE ONLY	
Application Number: _____	Received By: _____ FDOT STAFF (TYPE OR PRINT)
Category: _____	Date: _____
Section/Mile Post: _____	State Road: _____
Section/Mile Post: _____	State Road: _____

**Instructions - To Applicant**

- Contact the Department of Transportation to determine what plans and other documents you are required to submit with your application.
- Complete this form (some questions may not apply to you) and attach all necessary documents and submit it to the Department of Transportation.
- For help with this form contact your local Maintenance or District Office.
  - Or visit our website at [www.dot.state.fl.us/onestoppermitting](http://www.dot.state.fl.us/onestoppermitting) for the contact person and phone number in your area.
  - You may also email - [driveways@dot.state.fl.us](mailto:driveways@dot.state.fl.us)
  - Or call your District or local Florida Department of Transportation Office and ask for Driveway Permits.

Please print or type

**APPLICANT:**

**Check one:**

Owner     Lessee     Contract to Purchase

Name: \_\_\_\_\_

Responsible Officer or Person: \_\_\_\_\_

If the Applicant is a Company or Organization, Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**LAND OWNER: (if not applicant)**

Name: \_\_\_\_\_

If the Applicant is a Company or Organization, Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE:** If specified by Applicant to handle, represent, sign, and file the application -  
NOTE: A notarized letter of authorization must be provided with the Application

Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Address of property to be served by permit (if known):

If address is not known, provide distance from nearest intersecting public street (such as, 500 feet south of Main St.)

Check here if you are requesting a

- new driveway     temporary driveway     modification to existing driveway     safety upgrade

Does the property owner own or have any interests in any adjacent property?

- No     Yes, if yes - please describe:

Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property?

- No     Yes, if yes - list them on your plans and indicate the proposed and existing access points.

Local Government Development Review or Approval Information:

Local Government Contact: \_\_\_\_\_

Name: \_\_\_\_\_

Government Agency: \_\_\_\_\_

Phone #: \_\_\_\_\_

If you are requesting commercial or industrial access, please indicate the types and number of businesses and provide the floor area square footage of each. Use additional sheets if necessary.

Business (Name and Type)	Square Footage	Business (Name and Type)	Square Footage
1.		3.	
2.		4.	

If you are requesting a residential development access, what is the type (single family, apartment, townhouse) and number of units?

Type	Number of Units

Provide an estimate of the daily traffic volume anticipated for the entire property at build out. (An individual single family home, duplex, or quad-plex is not required to complete this section).

Daily Traffic Estimate = \_\_\_\_\_ (Use the latest Institute of Transportation Engineers (ITE) Trip Generation Report)

If you used the ITE Trip Generation Report, provide the land use code, independent variable, and reference page number.

ITE Land Use Code	Independent Variable	ITE Report page number reference

Check with the Florida DOT Office where you will return this form to determine which of the following documents are required to complete the review of your application.

- |   |   |
|---|---|
| Plans should be 11" x 17" (scale 1" x 50')<br>Note: No plans larger than 24" x 36" will be accepted<br>a) Highway and driveway plan profile<br>b) Drainage plan showing impact to the highway right-of-way<br>c) Map and letters detailing utility locations before and after Development in and along the right of way<br>d) Subdivision, zoning, or development plans<br>e) Property map indicating other access, bordering roads and streets | f) Proposed access design<br>g) Parcel and ownership maps including easements (Boundary Survey)<br>h) Signing and striping plans<br>i) Traffic Control/Maintenance of Traffic plan<br>j) Proof of liability insurance<br>k) Traffic Impact Study<br>l) Cross section of roadway every 100' if exclusive turn lanes are required |
|---|---|

**Important Notices to Applicant Before Signing Application**

**The Department Reserves The Right To Change Traffic Features And Devices In Right Of Way At Any Time**

Proposed traffic control features and devices in the right of way, such as median openings and other traffic control devices, are not part of the connection(s) to be authorized by a connection permit. The Department reserves the right to change these features and devices in the future in order to promote safety in the right of way or efficient traffic operations on the highway. Expenditure by the applicant of monies for installation or maintenance of such features or devices shall not create any interest in the maintenance of such features or devices.

**Significant Changes In Property Use Must Undergo Further Review**

If an access permit is issued to you it will state the terms and conditions for its use. Significant changes in the use as defined in Section 335.182(3), Florida Statutes, of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

**All Information I Give Is Accurate**

I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief, such information is true, complete and accurate.

**Starting Work On The Driveway Connection After I Get My Permit Means I Accept All the Conditions In My Permit**

I will not begin work on the connection until I receive my Permit and I understand all the conditions of the Permit. When I begin work on the connection, I am accepting all conditions listed in my Permit.

Applicant Name (Printed): \_\_\_\_\_

Applicant's signature: \_\_\_\_\_ Date \_\_\_\_\_

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**RECEIPT OF CONNECTION APPLICATION  
 AND FEE (OR WAIVER OF FEE)**

850-040-16  
 SYSTEMS PLANNING  
 06/06

**IMPORTANT NOTE:** Even though your application has been accepted, it may not be complete. We will contact you if more information is needed.

**(1) APPLICATION NUMBER:** \_\_\_\_\_

APPLICANT:

**(2) Name/Address** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**(3) Project Name:** \_\_\_\_\_  
 \_\_\_\_\_

		<u>VEHICLES PER DAY</u>	<u>FEE</u>	
<b>(4) Fee</b>	<input type="radio"/>	Category A	1-20	\$50.00
	<input type="radio"/>	Category B	21-600	\$250.00
	<input type="radio"/>	Category C	601-1,200	\$1,000.00
	<input type="radio"/>	Category D	1,201-4,000	\$2,000.00
	<input type="radio"/>	Category E	4,001-10,000	\$3,000.00
	<input type="radio"/>	Category F	10,001-30,000	\$4,000.00
	<input type="radio"/>	Category G	30,001 +	\$5,000.00
	<input type="radio"/>	Temporary		\$250.00
	<input type="radio"/>	Safety		NO FEE
	<input type="radio"/>	Government Entity		NO FEE

**(5) Application Fee Collected \$** \_\_\_\_\_

**Payment Type:**

Money Order

Check  Check Number \_\_\_\_\_

Cash

**(6) Fee Collected By**

Name \_\_\_\_\_

Signature \_\_\_\_\_ (PRINT)

Date: \_\_\_\_\_ District \_\_\_\_\_ Unit \_\_\_\_\_

**(7) Receipt Given Back to Applicant Via**

Hand Delivery       Mail       Courier Service       Other

Applicant (or Agent) Signature (if available) \_\_\_\_\_

**This form bears your application number and serves as your receipt.**

**(8) If fee is waived, give justification below or on separate sheet.**

**FOR AGENCY USE ONLY - ATTACH COPY OF CHECK ON THE NEXT PAGE**  
 Make Checks payable to: *State of Florida Department of Transportation*

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**RECORD OF WAIVED REQUIREMENTS  
FOR ALL CATEGORIES**

850-040-17  
SYSTEMS PLANNING  
09/02

**THIS FORM SHALL BE KEPT WITH THE APPLICATION FILE**

**PART 1: IDENTIFICATION**

Project Name: \_\_\_\_\_  
Application Number: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**PART 2: STAFF INFORMATION**

Staff Person: \_\_\_\_\_  
Date of Contact: \_\_\_\_\_  
Type of Contact:  Telephone  
 Visit  
 E-mail  
 Written Request

**PART 3: REQUIREMENT WAIVED**

**PART 4: JUSTIFICATION**

This Justification will be based on principles found in existing Florida Statutes or Department Administrative Rules

Signature of Staff Person: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**DRIVEWAY CONNECTION PERMIT  
FOR ALL CATEGORIES**

**PART 1: PERMIT INFORMATION**

APPLICATION NUMBER: \_\_\_\_\_

Permit Category: \_\_\_\_\_ Access Classification: \_\_\_\_\_

Project: \_\_\_\_\_

Permittee: \_\_\_\_\_

Section/Mile Post: \_\_\_\_\_ State Road: \_\_\_\_\_

Section/Mile Post: \_\_\_\_\_ State Road: \_\_\_\_\_

**PART 2: PERMITTEE INFORMATION**

Permittee Name: \_\_\_\_\_

Permittee Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Engineer/Consultant/or Project Manager: \_\_\_\_\_

Engineer responsible for construction inspection: \_\_\_\_\_

NAME P.E. #

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX, Mobile Phone, etc. \_\_\_\_\_

**PART 3: PERMIT APPROVAL**

The above application has been reviewed and is hereby approved subject to all Provisions as attached.

Permit Number: \_\_\_\_\_  
Department of Transportation

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Department Representative's Printed Name \_\_\_\_\_

Temporary Permit     YES     NO    (If temporary, this permit is only valid for 6 months)

Special provisions attached     YES     NO

Date of Issuance: \_\_\_\_\_

If this is a normal (non-temporary) permit it authorizes construction for one year from the date of issuance. This can only be extended by the Department as specified in 14-96.007(6).

#### PART 4: GENERAL PROVISIONS

1. Notify the Department of Transportation Maintenance Office at least 48 hours in advance of starting proposed work.  
Phone: \_\_\_\_\_ , Attention: \_\_\_\_\_
2. A copy of the approved permit must be displayed in a prominent location in the immediate vicinity of the connection construction.
3. Comply with Rule 14-96.008(1), F.A.C., Disruption of Traffic.
4. Comply with Rule 14-96.008(7), F.A.C., on Utility Notification Requirements.
5. All work performed in the Department's right of way shall be done in accordance with the most current Department standards, specifications and the permit provisions.
6. The permittee shall not commence use of the connection prior to a final inspection and acceptance by the Department.
7. Comply with Rule 14-96.003(3)(a), F.A.C., Cost of Construction.
8. If a Significant Change of the permittee's land use, as defined in Section 335.182, Florida Statutes, occurs, the Permittee must contact the Department.
9. Medians may be added and median openings may be changed by the Department as part of a Construction Project or Safety Project. The provision for a median might change the operation of the connection to be for right turns only.
10. All conditions in NOTICE OF INTENT WILL APPLY unless specifically changed by the Department.
11. All approved connection(s) and turning movements are subject to the Department's continuing authority to modify such connection(s) or turning movements in order to protect safety and traffic operations on the state highway or State Highway System.
12. **Transportation Control Features and Devices in the State Right of Way.** Transportation control features and devices in the Department's right of way, including, but not limited to, traffic signals, medians, median openings, or any other transportation control features or devices in the state right of way, are operational and safety characteristics of the State Highway and are not means of access. The Department may install, remove or modify any present or future transportation control feature or device in the state right of way to make changes to promote safety in the right of way or efficient traffic operations on the highway.
13. The Permittee for him/herself, his/her heirs, his/her assigns and successors in interest, binds and is bound and obligated to save and hold the State of Florida, and the Department, its agents and employees harmless from any and all damages, claims, expense, or injuries arising out of any act, neglect, or omission by the applicant, his/her heirs, assigns and successors in interest that may occur by reason of this facility design, construction, maintenance, or continuing existence of the connection facility, except that the applicant shall not be liable under this provision for damages arising from the sole negligence of the Department.
14. The Permittee shall be responsible for determining and notify all other users of the right of way.
15. Starting work on the State Right of Way means that I am accepting all conditions on the Permit.

### PART 5: SPECIAL PROVISIONS

NON-CONFORMING CONNECTIONS:       YES       NO

If this is a non-conforming connection permit, as defined in Rule Chapters 14-96 and 14-97, then the following shall be a part of this permit.

1. The non-conforming connection(s) described in this permit is (are) not permitted for traffic volumes exceeding the Permit Category on page 1 of this permit, or as specified in "Other Special Provisions" below.
2. All non-conforming connections will be subject to closure or relocation when reasonable access becomes available in the future.

OTHER SPECIAL PROVISIONS:

### PART 6: APPEAL PROCEDURES

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you dispute the facts stated in the foregoing Notice of Intended Department Action (hereinafter Notice), you may petition for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes. If you agree with the facts stated in the Notice, you may petition for an informal administrative hearing pursuant to section 120.57(2), Florida Statutes. You must file the petition with:

Clerk of Agency Proceedings  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street, M.S. 58  
Tallahassee, Florida 32399-0458

The petition for an administrative hearing must conform to the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and be filed with the Clerk of Agency Proceedings by 5:00 p.m. no later than 21 days after you received the Notice. The petition must include a copy of the Notice, be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department of Transportation identifying number on the Notice, if known, the name and identification number of each agency affected, if known, and the name, address, and telephone number of your representative, if any, which shall be the address for service purposes during the course of the proceeding.
2. An explanation of how your substantial interests will be affected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the agency's proposed action, as well as an explanation of how the alleged facts relate to the specific rules and statutes you contend require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action you wish the agency to take in respect to the agency's proposed action.

If there are disputed issues of material fact a formal hearing will be held, where you may present evidence and argument on all issues involved and conduct cross-examination. If there are no disputed issues of material fact an informal hearing will be held, where you may present evidence or a written statement for consideration by the Department.

Mediation, pursuant to section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

Your petition for an administrative hearing shall be dismissed if it is not in substantial compliance with the above requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. If you fail to timely file your petition in accordance with the above requirements, you will have waived your right to have the intended action reviewed pursuant to chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

**RECORD DRAWINGS REPORT BY PERMITTEE'S  
PROFESSIONAL ENGINEER**

**APPLICATION NUMBER:** \_\_\_\_\_

**Within 30 days after completion of construction on the project, you must send this certification to the Department office from which you filed your application**

<b>PART 1: CONNECTION INFORMATION</b>	
Project: _____	
State Road Name/Number: _____	
Section Number: _____	
Maintenance Office: _____	
Telephone: _____	
Permittee: _____	
Address: _____	
Consultant/Engineer/or Project Manager: _____	
Address: _____	
Telephone: _____	FAX, Mobile Phone, etc. _____

<b>PART 2: AS-BUILT INSPECTION</b>	
<p>I hereby state that this connection and other access features have been built in accordance with the permit provisions, and that minor deviations (as noted in the attached record drawings) will not prevent the access from functioning in compliance with the requirements of Rule 14-97, F.A.C., or those permit provisions. These determinations have been based upon the site observation of construction, scheduled and conducted by me or by a representative under my direct supervision. All reasonable inspections, tests, and physical measurements have been made to determine this work has been done in accordance with the provisions of the permit and other applicable adopted Department standards.</p>	
<p>_____ Signature of Engineer</p> <p style="text-align: center; margin-top: 20px;"><b>(AFFIX SEAL HERE)</b></p>	<p>_____ Name (Please Print or Type) <span style="float: right;">Florida Reg. No. _____</span></p> <p>_____ Company Name</p> <p>_____ Company Street Address</p> <p>_____ City <span style="float: right;">State _____ Zip _____</span></p> <p>_____ Date <span style="float: right;">Telephone Number _____</span></p>
<p>Deviations from the approved plans and specifications (attach additional sheets if required).</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**SECURITY INSTRUMENT RECEIPT**

850-040-20  
SYSTEMS PLANNING  
04/93

**APPLICATION NUMBER:** \_\_\_\_\_

**PART 1: PERMITTEE INFORMATION**

Name of Applicant: \_\_\_\_\_  
Name of Authorized Agent: \_\_\_\_\_  
Name of Organization: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Consultant/Engineer/or Project Manager: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ FAX, Mobile Phone, etc. \_\_\_\_\_

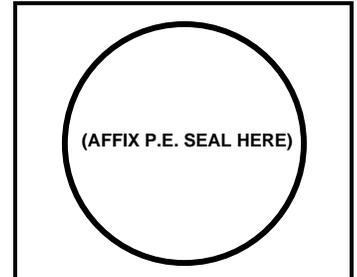
**PART 2: ESTIMATED COST OF CONSTRUCTION ON RIGHT-OF-WAY**

COST ESTIMATES \$ \_\_\_\_\_  
PLEASE ATTACH ALL CALCULATIONS

Estimated by: \_\_\_\_\_  
NAME (Printed or Typed)

**NOTE: Must be estimated by a Professional Engineer registered in the State of Florida**

\_\_\_\_\_  
Signature Date



**PART 3: SECURITY INSTRUMENT RECEIPT CERTIFICATION**

Received by Florida Department of Transportation:

\_\_\_\_\_  
Date Person Accepting Signature

Performance Bond returned by Certified Mail (Receipt of Certified Mail Attached):

\_\_\_\_\_  
Date Person Processing Signature

**PART 4: INSPECTION VERIFICATION**

Signature of Staff \_\_\_\_\_ Date: \_\_\_\_\_

**ATTACH INSPECTION DOCUMENTATION**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**STATE HIGHWAY ACCESS CONNECTION  
COMPLETENESS REVIEW**

850-040-21  
SYSTEMS PLANNING  
11/94  
Page 1 of 2

Additional information is required on the below referenced Connection Application

<b>PART 1: APPLICANT INFORMATION</b>	
APPLICATION NUMBER:	_____
PROJECT NAME:	_____
Name of Applicant or authorized agent:	_____
Name of Organization:	_____
Mailing Address:	_____
Engineer, Consultant or Project Manager:	_____
Address:	_____

<b>PART 2: ADDITIONAL INFORMATION REQUIRED</b>	
<p><b>NOTE:</b> YOU HAVE 60 DAYS FROM THE RECEIPT OF THIS REVIEW TO RETURN THE ADDITIONAL INFORMATION REQUESTED. If the additional information has not been received by the Department within 60 days, the Application shall be acted upon with the information provided in the application. (You can request more than 60 days by completing the Applicant Time Extension Form #850-040-22).</p>	
<p><b>THE FOLLOWING INFORMATION IS REQUIRED:</b></p>	

Continued next page

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**STATE HIGHWAY ACCESS CONNECTION  
COMPLETENESS REVIEW**

**PART 2 (CONTINUED): ADDITIONAL INFORMATION REQUIRED**

**ATTACH ADDITIONAL SHEET IF NECESSARY**

**PART 3: RESPONSE ADDRESS**

**IF YOU HAVE ANY QUESTIONS CONCERNING THIS REVIEW PLEASE CONTACT:**

SENT BY: \_\_\_\_\_  
PRINT OR TYPE

ADDRESS: \_\_\_\_\_

TITLE: \_\_\_\_\_

PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
FDOT STAFF

DATE: \_\_\_\_\_

**THIS FORM NOT FOR USE DURING THE CONSTRUCTION PHASE  
AND SHALL BE KEPT WITH THE APPLICATION FILE**

**PART 1: APPLICANT IDENTIFICATION**

Project Name: \_\_\_\_\_  
Application Number: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_

**PART 2: EXPLANATION OF TIME EXTENSION NEED**

(ATTACH EXTRA SHEETS AS NECESSARY)

**PART 3: APPLICANT CONCURRENCE AND SIGNATURE**

With regard to the above referenced application, with full knowledge and understanding of my rights under Section 120.60(2), Florida Statutes, I hereby waive the right to have the application approved or denied by the State Department of Transportation within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by me, with full knowledge, and without any coercion by anyone employed by the State of Florida Department of Transportation. I also understand that this requested extension will give me extra time to supply new or corrected information.

Applicant's Signature \_\_\_\_\_ Date: \_\_\_\_\_  
Applicant's Name Printed or Typed \_\_\_\_\_

**PART 4: DEPARTMENT RECEIPT, CONCURRENCE & SIGNATURE**

Printed Name of Staff Person: \_\_\_\_\_  
Signature of Staff Person: \_\_\_\_\_  
Date: \_\_\_\_\_  
Agreed Upon "Follow-up" Date: \_\_\_\_\_  
Notes or explanations:

**PROPOSED STATE HIGHWAY ACCESS DRIVEWAY/CONNECTION  
NOTICE OF INTENT TO DENY PERMIT**

You have 21 days from the receipt of this letter to challenge this decision. See PART 4: "APPEAL PROCEDURE" for details.

This Denial becomes final in 21 days unless you file a challenge.

Pursuant to Section 335.184 Florida Statutes, an applicant whose permit has been denied may, within 7 days after the receipt of notification of such denial, request a meeting with department personnel to determine whether any means exist by which the reasons for denial of a permit may be mitigated so that the permit may be issued. Upon the timely receipt of a written request for such meeting, the appropriate department personnel shall meet with the applicant to attempt such mitigation. However, requesting such a meeting does not stop the 21-day time period to challenge the decision through the appeal procedure.

**PART 1: APPLICATION INFORMATION**

<b>APPLICATION NUMBER:</b>	_____
Project Name:	_____
State Road Name/Number:	_____
Section Number:	_____
Maintenance Office:	_____
	Permit Staff Representative
Applicant:	_____
(Responsible Officer):	_____
Mailing Address:	_____
Telephone:	_____

**PART 2: NOTICE OF INTENT TO DENY PERMIT****YOU ARE HEREBY ADVISED:**

The Florida Department of Transportation has completed its review of the subject connection permit Application for consistency with Rule Chapters 14-96 and 14-97, F.A.C., and current Department spacing, location, and design criteria and hereby issues this "Notice of Intent" to deny the subject Permit Application for the reasons as stated in PART 3: REASONS FOR DENIAL:

DENYING OFFICIAL'S SIGNATURE: \_\_\_\_\_

PRINTED OR TYPED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

If you have any questions, please contact: \_\_\_\_\_ (Name) \_\_\_\_\_ (Phone)

**Continued next page**

**PART 3: REASONS FOR DENIAL**

SEE ATTACHED LIST OF REASONS BELOW:

**Continued next page**

#### **PART 4: APPEAL PROCEDURES**

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you dispute the facts stated in the foregoing Notice of Intended Department Action (hereinafter Notice), you may petition for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes. If you agree with the facts stated in the Notice, you may petition for an informal administrative hearing pursuant to section 120.57(2), Florida Statutes. You must file the petition with:

Clerk of Agency Proceedings  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street, M.S. 58  
Tallahassee, Florida 32399-0458

The petition for an administrative hearing must conform to the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and be filed with the Clerk of Agency Proceedings by 5:00 p.m. no later than 21 days after you received the Notice. The petition must include a copy of the Notice, be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department of Transportation identifying number on the Notice, if known, the name and identification number of each agency affected, if known, and the name, address, and telephone number of your representative, if any, which shall be the address for service purposes during the course of the proceeding.
2. An explanation of how your substantial interests will be affected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the agency's proposed action, as well as an explanation of how the alleged facts relate to the specific rules and statutes you contend require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action you wish the agency to take in respect to the agency's proposed action.

If there are disputed issues of material fact a formal hearing will be held, where you may present evidence and argument on all issues involved and conduct cross-examination. If there are no disputed issues of material fact an informal hearing will be held, where you may present evidence or a written statement for consideration by the Department.

Mediation, pursuant to section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

Your petition for an administrative hearing shall be dismissed if it is not in substantial compliance with the above requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. If you fail to timely file your petition in accordance with the above requirements, you will have waived your right to have the intended action reviewed pursuant to chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

**End**

**PROPOSED STATE HIGHWAY ACCESS CONNECTION  
NOTICE OF INTENT TO ISSUE PERMIT**

**Important: This Notice does not authorize construction to begin and is not a final permit.**

ALSO NOTE: THIS NOTICE OF INTENT IS ONLY VALID FOR 1 YEAR FROM SIGNING DATE IN PART 6.

**PART 1: APPLICANT INFORMATION**

<b>APPLICATION NUMBER:</b> _____				
Project Name: _____				
State Road Name/Number: _____				
Section Number: _____				
Maintenance Office: _____				
Permit Staff Representative				
Applicant: _____				
(Responsible Officer): _____				
Mailing Address: _____				
Street		City		State
Zip				
Telephone: _____				

**PART 2: NOTICE OF INTENT TO ISSUE PERMIT**

**YOU ARE HEREBY ADVISED:**

The Florida Department of Transportation has completed its review of the subject connection permit Application received \_\_\_\_\_ for consistency with Rule Chapters 14-96 and 14-97, F.A.C., and current Department spacing, location, and design criteria and hereby issues this "Notice of Intent" to:

- Issue the subject permit consistent with the permit Application.
- Issue the subject permit consistent with the permit Application and subject to the attached provisions.

**IMPORTANT**

This notice of intent to issue a permit does NOT constitute Department permit issuance. The permit will be issued after the permittee shows proof that a valid local government development approval or development order has been given to the sites served by the connection and special provisions of the approval consistent with the permit applications and conditions previously noted.

No connection work on the right of way shall be initiated until the Department permit is actually issued. Any changes to the site(s) plan will require re-evaluation of the connection(s). This notice is valid for one year, from the date of issuance, and can only be extended with approval by the Department for problems outside the control of the applicant pursuant to Rule Chapter 14-96, F.A.C. This Notice of Intent is transferable as specified only in Rule Chapter 14-96, F.A.C.

**Continued next page**

**PART 3: CONDITIONS**

Conditions to be met before Permit will be issued:

Standard:

1. Development approval from the appropriate local government consistent with the Notice of Intent to Permit;
2. Assurance of performance pursuant to Section 334.187, Florida Statutes (if required);
3. Notification of all known right of way users affected by the connection(s);
4. Compliance with drainage requirements in Rule Chapter 14-86, F.A.C.

Other Conditions:

Use additional sheet if necessary

**Continued next page**

**PART 4: NOTICE OF DEPARTMENT AUTHORITY**

1. All approved connection(s) and turning movements are subject to the Department's continuing authority to modify such connection(s) or turning movements in order to protect safety and traffic operations on the state highway or State Highway System.
2. **Transportation Control Features and Devices in the State Right of Way.** Transportation control features and devices in the Department's right of way, including, but not limited to, traffic signals, medians, median openings, or any other transportation control features or devices in the state right of way, are operational and safety characteristics of the State Highway and are not means of access. The Department may install, remove, or modify any present or future transportation control feature or devices in the state right of way to make changes to promote safety in the right of way or efficient traffic operations on the highway.

**PART 5: DEPARTMENT CONTACT**

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
PHONE: \_\_\_\_\_

**PART 6: SIGNATURE OF DEPARTMENT AUTHORITY**

SIGNATURE OF DEPARTMENT OFFICIAL: \_\_\_\_\_  
PRINT OR TYPE NAME: \_\_\_\_\_  
PRINT OR TYPE POSITION: \_\_\_\_\_  
DATE: \_\_\_\_\_ PHONE: \_\_\_\_\_

**Continued next page**

## PART 7: APPEAL PROCEDURES

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you dispute the facts stated in the foregoing Notice of Intended Department Action (hereinafter Notice), you may petition for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes. If you agree with the facts stated in the Notice, you may petition for an informal administrative hearing pursuant to section 120.57(2), Florida Statutes. You must file the petition with:

Clerk of Agency Proceedings  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street, M.S. 58  
Tallahassee, Florida 32399-0458

The petition for an administrative hearing must conform to the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and be filed with the Clerk of Agency Proceedings by 5:00 p.m. no later than 21 days after you received the Notice. The petition must include a copy of the Notice, be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department of Transportation identifying number on the Notice, if known, the name and identification number of each agency affected, if known, and the name, address, and telephone number of your representative, if any, which shall be the address for service purposes during the course of the proceeding.
2. An explanation of how your substantial interests will be affected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the agency's proposed action, as well as an explanation of how the alleged facts relate to the specific rules and statutes you contend require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action you wish the agency to take in respect to the agency's proposed action.

If there are disputed issues of material fact a formal hearing will be held, where you may present evidence and argument on all issues involved and conduct cross-examination. If there are no disputed issues of material fact an informal hearing will be held, where you may present evidence or a written statement for consideration by the Department.

Mediation, pursuant to section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

Your petition for an administrative hearing shall be dismissed if it is not in substantial compliance with the above requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. If you fail to timely file your petition in accordance with the above requirements, you will have waived your right to have the intended action reviewed pursuant to chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

**End**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**VIOLATION AND NOTICE TO SHOW CAUSE**

850-040-26  
SYSTEMS PLANNING  
06/06

**PART 1: IDENTIFICATION INFORMATION**

TO: \_\_\_\_\_  
NAME \_\_\_\_\_ DATE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ APPLICATION/PERMIT NUMBER \_\_\_\_\_

**PART 2: VIOLATION NOTICE**

YOU ARE HEREBY ADVISED:

Pursuant to the applicable provisions of the Florida Statutes and Florida Administrative Code, you are hereby charged:

That the facility at the site identified below is in violation of those provisions of the Florida Statutes and the Florida Administrative Code cited herein, for the reasons indicated:

**SITE IDENTIFICATION**

STATE ROAD NO. \_\_\_\_\_ SECTION NO. \_\_\_\_\_  
MILEPOST NO. \_\_\_\_\_ CONSTRUCTION JOB NO. \_\_\_\_\_  
COUNTY \_\_\_\_\_ STATION NO. \_\_\_\_\_

GEOGRAPHICAL DESCRIPTION  
\_\_\_\_\_  
\_\_\_\_\_

**VIOLATION**

FLORIDA STATUTE \_\_\_\_\_  
FLORIDA ADMINISTRATIVE CODE \_\_\_\_\_  
DESCRIPTION OF VIOLATION(S): \_\_\_\_\_

**APPEAL PROCEDURES**

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you dispute the facts stated in the foregoing Notice of Intended Department Action (hereinafter Notice), you may petition for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes. If you agree with the facts stated in the Notice, you may petition for an informal administrative hearing pursuant to section 120.57(2), Florida Statutes. You must file the petition with:

Clerk of Agency Proceedings  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street, M.S. 58  
Tallahassee, Florida 32399-0458

**APPLICANT (continued)**

**APPEAL PROCEDURES (continued)**

The petition for an administrative hearing must conform to the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and be filed with the Clerk of Agency Proceedings by 5:00 p.m. no later than 21 days after you received the Notice. The petition must include a copy of the Notice, be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department of Transportation identifying number on the Notice, if known, the name and identification number of each agency affected, if known, and the name, address, and telephone number of your representative, if any, which shall be the address for service purposes during the course of the proceeding.
2. An explanation of how your substantial interests will be affected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the agency's proposed action, as well as an explanation of how the alleged facts relate to the specific rules and statutes you contend require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action you wish the agency to take in respect to the agency's proposed action.

If there are disputed issues of material fact a formal hearing will be held, where you may present evidence and argument on all issues involved and conduct cross-examination. If there are no disputed issues of material fact an informal hearing will be held, where you may present evidence or a written statement for consideration by the Department.

Mediation, pursuant to section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

Your petition for an administrative hearing shall be dismissed if it is not in substantial compliance with the above requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. If you fail to timely file your petition in accordance with the above requirements, you will have waived your right to have the intended action reviewed pursuant to chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

If a request for administrative proceeding is not received within 21 days the described violation(s) shall be considered true and the Department reserves the right to take such action as the law permits, including but not limited to the revocation of the permit.

By: \_\_\_\_\_  
PRINT

\_\_\_\_\_  
SIGNATURE

(DISTRICT SECRETARY OR DESIGNEE)

DATE: \_\_\_\_\_

# 14-97

## 14-97.001 Purpose.

This rule chapter sets forth an access control classification system and access management standards to implement the State Highway System Access Management Act of 1988. The implementation of the access control classification system and access management standards will protect the public health, safety and welfare, provide for the mobility of people and goods, and preserve the functional integrity of the State Highway System.

*Rulemaking Authority 334.044(2), 335.182, 335.184, 335.188 FS. Law Implemented 334.044(10)(a), 335.182-.188 FS. History—New 2-13-91, Amended 10-7-09.*

## 14-97.002 Definitions.

For the purposes of this rule chapter the following definitions shall apply unless the context clearly shows otherwise:

14-97.002 (1) “Area Type” means one of four specific land use categories reflecting certain land use and intensity characteristics used in specifying the interchange spacing standards for limited access facilities.

14-97.002 (2) “Central Business District (CBD) and CBD Fringe” means the areas contained within a boundary designated as CBD and CBD fringe area type in the adopted MPO Long Range Transportation Plan. For the purpose of this rule chapter this area is designated as Area Type I and only applies to Access Class.

14-97.002 (3) “Connection” means as defined in Section 335.182, F.S. For the purpose of this rule chapter, two one-way connections to a property may constitute a single connection.

14-97.002 (4) “Connection Spacing Standard” means the distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

14-97.002 (5) “Controlled Access Facility” means as defined in Rule 14-96.002, F.A.C.

14-97.002 (6) “Corridor Access Management Plan” means a strategy defining site specific access management and traffic control features for a particular roadway segment, developed in coordination with the affected local government and adopted by the Department in cooperation with the affected local government(s).

14-97.002 (7) “Department” means the Florida Department of Transportation.

14-97.002 (8) “Directional Median Opening” means as defined in Rule 14-96.002, F.A.C. Directional median openings for two opposing left or “U-turn” movements along one segment of road are considered one directional median opening.

14-97.002 (9) “Existing Urbanized Areas other than CBD and CBD Fringe” means the area between the CBD and CBD Fringe area boundary and the existing Urban Area Boundary for Urbanized Areas as reflected in the MPO Long Range Transportation Plan. For the purpose of this rule chapter, this area is designated as Area Type 2 and only applies to Access Class 1.

14-97.002 (10) “FHWA” means Federal Highway Administration.

14-97.002 (11) “Full Median Opening” means as defined in Rule 14-96.002, F.A.C.

14-97.002 (12) “Generally Accepted Professional Practice” means as defined in Rule 14-96.002, F.A.C.

14-97.002 (13) “Governmental Entities” means as set forth in Section 335.188, F.S.

14-97.002 (14) “Intersection” means an at-grade connection or crossing of a local road or state highway with a state highway.

14-97.002 (15) “Limited Access Facility” means as defined in Section 334.03, F.S.

- 14-97.002 (16) “Local Governmental Entity” means as defined in Section 334.03, F.S.
- 14-97.002 (17) “Median” means as defined in Rule 14-96.002, F.A.C.
- 14-97.002 (18) “Median Opening Spacing Standard” means the distance between openings in a restrictive median. The distance is measured from centerline to centerline of the openings along the traveled way.
- 14-97.002 (19) “Metropolitan Planning Organization (MPO)” means as described in Section 339.175, F.S.
- 14-97.002 (20) “Non-Restrictive Median” means as defined in Rule 14-96.002, F.A.C.
- 14-97.002 (21) “Reasonable Access” means as defined in Rule 14-96.002, F.A.C.
- 14-97.002 (22) “Restrictive Median” means as defined in Rule 14-96.002, F.A.C.
- 14-97.002 (23) “Rural Areas” means the area between the outer boundary of Area Type 3 and the next Area Type 3 outer boundary. For the purpose of this rule chapter, this area is designated as Area Type 4 and only applies to Access Class 1.
- 14-97.002 (24) “Service Road” means a public or private roadway providing access to parcels adjacent to a controlled access facility.
- 14-97.002 (25) “Signal Spacing Standard” means the spacing or distance between adjacent traffic signals on a controlled access facility measured from centerline to centerline of the signalized intersections along the traveled way.
- 14-97.002 (26) “Significant Change” means as defined in Section 335.182, F.S.
- 14-97.002 (27) “State Highway System (SHS)” means as defined in Section 334.03, F.S.
- 14-97.002 (28) “Transitioning Urbanized Area” means the area between the existing Urbanized Area Boundary and the future projected Urbanized Area Boundary anticipated within the next 20 years as established by the MPO and the Department. For the purpose of this rule chapter, this area is designated Area Type 3 and only applies to Access Class 1.
- 14-97.002 (29) “Traveled Way” means the portion of roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- 14-97.002 (30) “Urban Area” means an area defined by the U.S. Census Bureau as having a population of at least 5,000 at specific urban densities.
- 14-97.002 (31) “Urbanized Area” means an area defined by the U.S. Census Bureau as having a population of at least 50,000 at specific urban densities.

*Rulemaking Authority 334.044(2), 335.182, 335.184, 335.188 FS. Law Implemented 334.044(10)(a), 335.182, 335.188 FS. History—New 2-13-91, Amended 10-7-09.*

**14-97.003 Access Control Classification System and Access Management Standards.**

14-97.003 (1) The following tables contain the access control classification and access management standards to be used in the planning, design, and permitting of connections, and the planning and design of medians, median openings, and signal spacing for roads on the SHS. The Department encourages the use of joint access driveways and service roads.

Table 1  
Access Management Standards for Limited Access Facilities

Access Class	Segment Location	Applicable Interchange Spacing Standard
1	Area Type 1 – CBD & CBD Fringe for Cities in Urbanized Areas	1 Mile
	Area Type 2 – Existing Urbanized Areas Other Than Area Type 1	2 Miles
	Area Type 3 – Transitioning Urbanized Areas and Urban Areas Other Than Area Type 1 OR 2	3 Miles
	Area Type 4 – Rural Areas	6 Miles

Table 2

Class	Medians	Median Openings		Signal	Connection	
		Full	Directional		More than 45MPH Posted Speed	45 MPH and less Posted Speed
2	Restrictive w/Service Roads	2,640	1,320	2,640	1,320	660
3	Restrictive	2,640	1,320	2,640	660	440
4	Non-Restrictive			2,640	660	440
5	Restrictive	2,640 at greater than 45 MPH Posted Speed	660	2,640 at greater than 45 MPH Posted Speed	440	245
		1,320 At 45 MPH or less Posted Speed		1,320 At 45 MPH or less Posted Speed		
6	Non-Restrictive			1,320	440	245
7	Both Median Types	660	330	1,320	125	125

The interim standards contained in subsection 14-97.004(1), F.A.C., shall be used for any unclassified segment of the SHS until replaced by an adopted access classification.

**14-97.003 (2) Access Control Classification.** The seven access classes are described as follows:

**14-97.003 (2) (a)** Access Class 1 consists of limited access facilities, which roadways do not provide direct property connections. These roadways provide for high speed and high volume traffic movements serving interstate, interregional, and intercity, and, to a lesser degree, intracity, travel needs. Interstate highways and Florida’s Turnpike are typical of this class. The interchange spacing standards, based on the Area Type the highway is passing through, are for the through lanes or main line of the facility. New interchanges

to Access Class 1 facilities shall be based on an engineering analysis of the operation and safety of the system. These interchanges can only be approved through the interchange justification process. Approval by the Department and FHWA is required before any new interchange is constructed.

**14-97.003 (2) (b)** Access Classes 2 through 7 consist of controlled access facilities and are arranged from the most restrictive (Access Class 2) to the least restrictive (Access Class 7) class based on development. Generally the roadways serving areas without existing extensive development are classified in the upper portion of the range (Access Class 2, 3, and 4). Those roadways serving areas with existing moderate to extensive development are generally classified in the lower portion of the range (Access Class 5, 6, and 7). The access management standards for each access class are further determined by the posted speed limit.

**14-97.003 (2) (b) 1.** Access Class 2 roadways are highly controlled access facilities distinguished by the ability to serve high speed and high volume traffic over long distances in a safe and efficient manner. This access class is further distinguished by a highly controlled limited number of connections, median openings, and infrequent traffic signals. Segments of the SHS having this classification usually have access restrictions supported by local ordinances and agreements with the Department, and are generally supported by existing or planned service roads.

**14-97.003 (2) (b) 2.** Access Class 3 roadways are controlled access facilities where direct access to abutting land is controlled to maximize the operation of the through traffic movement. The land adjacent to these roadways is generally not extensively developed and/or the probability of significant land use change exists. These roadways are distinguished by existing or planned restrictive medians.

**14-97.003 (2) (b) 3.** Access Class 4 roadways are controlled access facilities where direct access to abutting land is controlled to maximize the operation of the through traffic movement. The land adjacent to these roadways is generally not extensively developed and/or the probability of significant land use change exists. These roadways are distinguished by existing or planned non-restrictive median treatments.

**14-97.003 (2) (b) 4.** Access Class 5 roadways are controlled access facilities where adjacent land has been extensively developed and where the probability of major land use change is not high. These roadways are distinguished by existing or planned restrictive medians.

**14-97.003 (2) (b) 5.** Access Class 6 roadways are controlled access facilities where adjacent land has been extensively developed, and the probability of major land use change is not high. These roadways are distinguished by existing or planned non-restrictive medians or centerlines.

**14-97.003 (2) (b) 6.** Access Class 7 roadways are controlled access facilities where adjacent land is generally developed to the maximum feasible intensity and roadway widening potential is limited. This classification shall be assigned only to roadway segments where there is little intent or opportunity to provide high speed travel. Exceptions to access management standards in this access class may be allowed if the landowner substantially reduces the number of connections compared to existing conditions. These roadways can have either restrictive or non-restrictive medians.

**14-97.003 (3) Access Management Standards.**

**14-97.003 (3) (a)** Connection permit applications, submitted pursuant to Rule Chapter 14-96, F.A.C., shall be reviewed subject to the standards of this rule chapter.

**14-97.003 (3) (b)** Existing lawful connections, median openings, and signals are not required to meet the access management standards. Existing access management features will generally be allowed to remain in place, but shall be brought into conformance with access management standards when significant change occurs or as changes to the roadway design allow.

**14-97.003 (3) (c)** A property that cannot meet the access management standards for a connection, as set forth herein, is eligible to be permitted by the Department for a single connection pursuant to Rule Chapter 14-96, F.A.C., where there is no other reasonable access to the SHS and the connection will not create a safety or operational hazard.

**14-97.003 (3) (d)** Greater distances between connections and median openings will be required by the Department where necessary to meet operational and safety requirements. In these instances, the Department shall make such determination based on generally accepted professional practice standards.

**14-97.003 (3) (e)** Adjacent properties under common ownership shall be considered one parcel for purposes of this rule. Persons requesting connections for one or more adjacent properties under common ownership may, however, as a part of the Rule Chapter 14-96, F.A.C., permit process, request that the properties be considered individually for connection permitting purposes. Such requests shall be included as part of the permit application and shall provide specific analyses and justification of potential safety and operational hazards associated with the compatibility of the volume, type or characteristics of the traffic using the connection. A contract for sale, a long term lease, or similar document shall constitute separate ownership from the parent tract for the purpose of this rule chapter, if the sale would not result in common ownership. A connection permit issued based on a contract for sale will be conditioned on transfer of the property to the buyer.

**14-97.003 (3) (f)** The speed criteria referred to in Table 2, Access Management Standards for Controlled Access Facilities, and in the Interim Access Management Standards in Table 3, means the posted speed limit at the proposed connection location.

**14-97.003 (3) (g)** Corridor Access Management Plans may be adopted by the Department in coordination with local governmental entities. These plans shall be based on an analysis by the Department using generally accepted professional practice standards and will provide corridor specific access management and traffic control features. Before the adoption of such plans, the Department shall notify affected local governments and abutting property owners and shall hold a public meeting, if requested. After consideration of public input, the Department shall, in cooperation with the affected local government, finalize the plan.

**14-97.003 (3) (h)** Interchange Areas. Connections and median openings on a controlled access facility located up to 1/4 mile from an interchange area or up

to the first intersection with an arterial road, whichever distance is less, shall be more stringently regulated to protect safety and operational efficiency of the SHS, as set forth below:

**14-97.003 (3) (h) 1.** The 1/4 mile distance shall be measured from the end of the taper of the ramp furthest from the interchange.

**14-97.003 (3) (h) 2.** With the exception of Access Class 2 facilities with posted speed limits over 45 MPH, the distance from the interchange ramp(s) to the first connection shall be at least 660 feet where the posted speed limit is greater than 45 MPH, or at least 440 feet where the posted speed limit is 45 MPH or less. This distance will be measured from the end of the taper for that particular quadrant of the interchange on the controlled access facility. For Access Class 2 facilities with posted speed limits over 45 MPH, the distance to the first connection shall be at least 1,320 feet.

**14-97.003 (3) (h) 3.** The standard distance to the first full median opening shall be at least 2,640 feet as measured from the end of the taper of the off ramp.

**14-97.003 (3) (h) 4.** Greater distances between proposed connections and median openings will be required when the Department determines, based on generally accepted professional practice standards, that the engineering and traffic information provided in the Rule Chapter 14-96, F.A.C., permit application shows that the safety or operation of the interchange or the limited access highway would be adversely affected.

**14-97.003 (3) (i)** Traffic signals, which are proposed at intervals closer than the access management standard for the designated access class, will only be approved where the need for such signal(s) is clearly demonstrated for the safety and operation of the roadway and approved through the signal warrant process.

*Rulemaking Authority 334.044(2), 335.182, 335.184, 335.188 FS. Law Implemented 334.044(10)(a), 335.182, 335.188, 338.001 FS. History—New 2-13-91, Amended 10-7-09.*

**14-97.004 Interim Access Management Standards.**

**14-97.004** (1) Interim access management standards shall be applied to unclassified roadways on the SHS, such as when a local government transfers a roadway to the Department to become part of the SHS. After a roadway has been classified pursuant to this rule chapter, the access management standards associated with the designated access control classification shall supersede these interim standards.

Table 3  
**INTERIM ACCESS MANAGEMENT STANDARDS**

Posted Speed (MPH)	Connection Spacing Standard	Median Opening Spacing Standard (Feet)	
		Full	Directional
35 or less	245	1,320	660
36 to 45	440	1,320	660
Over 45	660	1,320	1,320

**14-97.004** (2) The assignment of an access control classification to all segments of the SHS shall be the responsibility of the Department. The Department shall provide notice by publication in a newspaper of general circulation of proposed access control classification and shall coordinate with and consider the comments of the affected governmental entities before assigning a final access control classification to a roadway segment. The Department will hold public meetings, if requested to seek comment before final access classification of a roadway segment. Upon assignment of access control classification, the Department will provide notice to affected governmental entities.

*Rulemaking Authority 334.044(2), 335.182, 335.184, 335.188 FS. Law Implemented 334.044(10)(a), 335.188 FS. History—New 2-13-91, Amended 10-7-09.*

**14-97.005 Review and Modification of Access Control Classification.**

**14-97.005 (1)** The Department will review access control classifications for specific segments of the SHS in consideration of the criteria listed in Section 335.188, F.S. Roadside development does not, in and of itself, necessarily constitute a reason to lower the access control classification. If reclassification of a roadway segment is necessary, the Department shall, prior to any change in classification, notify the affected governmental entities regarding the proposed reclassification and publish its intent to reclassify in a local newspaper of general circulation. The Department will hold a public meeting in the affected county, if requested, to seek comments on the proposed reclassification. The Department shall coordinate with, and will take into consideration, comments or concerns of the affected governmental entities and/or members of the public regarding the reclassification. The Department will notify the affected governmental entities of the final determination on the reclassification action(s).

**14-97.005 (2)** A written request may be made to the appropriate Department District Secretary that the Department review the access control classification of any specific segment(s) of the SHS. Such written request shall specify why the change of access control classification is sought, the desired access classification, and justification for the access classification change, based on the standards and criteria contained in Section 335.188, F.S., and in this rule chapter. The Department shall consider such requests, coordinating with the affected governmental entities and shall deny the request or publish notice of the Department's intent to reclassify the roadway segment(s) in a local newspaper of general circulation. If requested, the Department will hold a public meeting.

*Rulemaking Authority 334.044(2), 335.182, 335.184, 335.188 FS. Law Implemented 334.044(10)(a), 335.182, 335.188 FS. History--New 2-13-91, Amended 10-7-09.*

## **335.18 Short title**

**Sections 335.18-335.199 may be cited as the**

***“State Highway System Access Management Act.”***

History.—s. 1, ch. 75-157; s. 59, ch. 84-309; s. 3, ch. 88-224; s. 98, ch. 92-152.

### **335.181 Regulation of access to state highway system; legislative findings, policy, and purpose.--**

335.181 (1) It is the finding of the Legislature that:

335.181 (1) (a) Regulation of access to the State Highway System is necessary in order to protect the public health, safety, and welfare, to preserve the functional integrity of the State Highway System, and to promote the safe and efficient movement of people and goods within the state.

335.181 (1) (b) The development of an access management program, in accordance with this act, will assist in the coordination of land use planning decisions by local governments with investments in the State Highway System and will serve to enhance managed growth and the overall development of commerce within the state as served by the State Highway System. Without such a program, the health, safety, and welfare of the residents of this state may be placed at risk, due to the fact that unregulated access to the State Highway System is one of the contributing factors to the congestion and functional deterioration of the system.

335.181 (1) (c) The Legislature further finds and declares that the development of an access management program in accordance with this act will enhance the development of an effective transportation system and increase the traffic-carrying capacity of the State Highway System and thereby reduce the incidences of traffic accidents, personal injury, and property damage or loss; mitigate environmental degradation; promote sound economic growth and the growth management goals of the state; reduce highway maintenance costs and the necessity for costly traffic operations measures; lengthen the effective life of transportation facilities in the state; prevent delays in public evacuations for natural storms and emergencies; enhance disaster-response readiness; and shorten response time for emergency vehicles.

335.181 (2) It is the policy of the Legislature that:

335.181 (2) (a) Every owner of property which abuts a road on the State Highway System has a right to reasonable access to the abutting state highway but does not have the right of unregulated access to such highway. The operational capabilities of an access connection may be restricted by the department. However, a means of reasonable access to an abutting state highway may not be denied by the department, except on the basis of safety or operational concerns as provided in s. 335.184.

335.181 (2) (b) The access rights of an owner of property abutting the State Highway System are subject to reasonable regulation to ensure the public's right and interest in a safe and efficient highway system. This paragraph does not authorize the department to deny a means of reasonable access to an abutting state highway, except on the basis of safety or operational concerns as provided in s. 335.184. Property owners are encouraged to implement the use of joint access where legally available.

335.181 (3) The Legislature further declares that it is the purpose of this act to provide a coordinated planning process for the permitting of access points on the State Highway System to effectuate the findings and policy of this act.

335.181(4) Nothing in this act shall affect the right to full compensation under s. 6, Art. X of the State Constitution.

335.181(5) Nothing in this act limits the power of eminent domain vested in the department pursuant to s. 337.27.

335.181(6) This act does not create any additional property rights. The denial of reasonable direct access to an abutting state highway pursuant to s. 335.184 is not compensable under the provisions of this act unless the denial would be otherwise compensable absent the provisions of this act. The denial in and of itself of an access permit by the Department of Transportation shall not be the only substantive allegation in support of a petition to state a cause of action pursuant to s. 6, Art. X of the State Constitution.

335.181(7) Nothing in this act prohibits the construction of service roads along a highway on the State Highway System so long as such service roads provide reasonable access to such highway. A property owner whose land abuts a service road is entitled to reasonable access to such service road pursuant to s. 335.184. However, nothing in this act requires that a property owner whose land abuts a service road be given direct access across the service road to the state highway served thereby.

History.--s. 4, ch. 88-224; s. 36, ch. 91-221; s. 99, ch. 92-152.

### **335.182 Regulation of connections to roads on State Highway System; definitions.--**

335.182 (1) Vehicular access and connections to or from the State Highway System shall be regulated by the department in accordance with the provisions of this act in order to protect the public health, safety, and welfare.

335.182 (2) The department shall adopt, by rule, administrative procedures for its issuance and modification of access permits, closing of unpermitted connections, and revocation of permits in accordance with this act.

335.182 (3) As used in this act, the term:

335.182 (3) (a) "Connection" means driveways, streets, turnouts, or other means of providing for the right of reasonable access to or from the State Highway System.

335.182 (3) (b) "Significant change" means a change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation (either peak hour or daily) and exceeding 100 vehicles per day more than the existing use.

History.--s. 5, ch. 88-224; s. 100, ch. 92-152; s. 79, ch. 99-385.

335.1825 Access permit required; authority to close unpermitted connections.--

335.1825 (1) A connection may not be constructed or substantially altered without obtaining an access permit in accordance with this act in advance of such action. The department has the authority to restrict or deny access to the State Highway System, in accordance with the provisions of this act, at the location specified in the permit until the permittee constructs or alters the connection in accordance with the permit requirements.

335.1825 (2) The cost of construction or alteration of a connection shall be borne by the permittee, except for alterations which are not required by law, but are made at the request of and for the convenience of the department. The permittee, however, shall bear the cost of alteration of any connection which is required by the department due to increased or altered traffic flows generated by changes in the facilities or nature of business conducted at the location specified in the permit, if the department establishes the need for such alteration.

335.1825 (3) Except as otherwise provided in this act, an unpermitted connection is subject to closure by the department which shall have the right to install barriers across or remove the connection. When the department determines that a connection is unpermitted and subject to closure, it shall provide reasonable notice of its impending action to the owner of property served by the connection. The department's procedures for providing notice and preventing the operation of unpermitted connections shall be adopted by rule.

335.1825 (4) The department may initiate injunctive proceedings as provided in s. 120.69 to enforce the provisions of this section or any rule or order issued or entered pursuant thereto.

History.--s. 6, ch. 88-224; s. 3, ch. 89-232; s. 101, ch. 92-152.

335.183 Permit application fee.--The department shall establish, by rule, a graduated schedule of fees for permit applications made to the department. Such fees shall be nonrefundable and shall be used to offset the costs of administering the access permit review process and the costs associated with administering the provisions of this act. In no event shall a fee be more than \$5,000.

History.--s. 7, ch. 88-224; s. 102, ch. 92-152.

335.184 Access permit review process by the department; permit denial; justification; administrative review.--The review process for access permit applications made by the department shall be as follows:

335.184 (1) Any person seeking an access permit shall file an application with the department in the district in which the property for which the permit being requested is located. The department, by rule, shall establish application form and content requirements. The fee as required by s. 335.183 must accompany the application.

335.184 (2) All permit applications shall be reviewed in conformity with s. 120.60.

335.184 (3) A property owner shall be granted a permit for an access connection to the abutting state highway, unless the permitting of such access connection would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway. Such access connection and permitted turning movements shall be based upon standards and criteria adopted, by rule, by the department.

335.184 (3) (a) In making the determination of whether to deny access to an abutting property owner, the department may consider, but is not limited to considering:

335.184 (3) (a) 1. The number or severity of traffic accidents occurring on the segment of the highway to which access is sought, and the impact thereon from providing such access;

335.184 (3) (a) 2. The operational speed on the segment of the highway to which such access is sought and the level and amount of deceleration which such access would cause;

335.184 (3) (a) 3. The geographic location of the segment of the highway to which such access is sought;

335.184 (3) (a) 4. The operational characteristics of the segment of the highway to which such access is sought and the impact thereon from providing such access; or

335.184 (3) (a) 5. The level of service of the segment of the highway to which such access is sought and the impact thereon from providing such access.

335.184 (3) (b) If the department denies an application for an access permit, it must send written notification of such denial to the applicant. Such notification must include the specific reasons for the denial and inform the applicant of his or her rights under paragraphs (c) and (d).

335.184 (3) (c) An applicant whose permit has been denied may, within 7 days after the receipt of notification of such denial, request a meeting with department personnel to determine whether any means exist by which the reasons for denial of a permit may be

mitigated so that the permit may be issued. Upon the timely receipt of a written request for such meeting, the appropriate department personnel shall meet with the applicant to attempt such mitigation. Such request or the failure to make such request, any statements made during such meeting, and the results of such meeting shall not be admissible in any subsequent judicial or administrative proceeding regarding the denial of an access permit.

335.184 (3) (d) The denial of an access permit pursuant to this section shall be subject to administrative review under the provisions of chapter 120.

Nothing in this subsection limits the department's authority to restrict the operational characteristics of a particular means of access.

History.--s. 8, ch. 88-224; s. 103, ch. 92-152; s. 492, ch. 95-148.

335.185 Permit conditions; expiration.--

335.185 (1) The department may issue a permit subject to any reasonable conditions necessary to carry out the provisions of this act. The department may revoke a permit if the applicant fails to comply with the conditions upon which the issuance of the permit was predicated.

335.185 (2) All permits issued pursuant to this act shall automatically expire and become invalid if the connection is not constructed within 1 year after the issuance of the permit, unless the department extends the date of expiration, for good cause, upon its own initiative or upon the request of a permittee.

History.--s. 9, ch. 88-224; s. 104, ch. 92-152.

335.187 Unpermitted connections; existing access permits; nonconforming permits; modification and revocation of permits.--

335.187 (1) Unpermitted connections to the State Highway System in existence on July 1, 1988, which have been in continuous use for a period of 1 year or more shall not require the issuance of a permit and may continue to provide access to the State Highway System. However, the department may require that a permit be obtained for such a connection if a significant change occurs in the use, design, or traffic flow of the connection. If a permit is not obtained, the connection may be closed pursuant to s. 335.1825(3).

335.187 (2) Access permits in effect on July 1, 1988, shall remain valid until modified or revoked. The department may, after written notification and a hearing, as provided for in s. 120.60, modify or revoke an access permit granted prior to July 1, 1988, by requiring relocation, alteration, or closure of the connection if a significant change occurs in the use, design, or traffic flow of the connection.

335.187 (3) The department may issue a nonconforming access permit after finding that to deny an access permit would leave the property without a reasonable means of access to the State Highway System. The department may specify limits on the maximum vehicular use of the connection and may be conditioned on the availability of future alternative means of access for which access permits can be obtained.

335.187 (4) After written notice and the opportunity for a hearing, as provided for in s. 120.60, the department may modify or revoke an access permit issued after July 1, 1988, by requiring relocation, alteration, or closure of an existing connection if a significant change occurs in the use, design, or traffic flow of the connection.

335.187 (5) A means of reasonable access to an abutting state highway may not be denied to a property owner, except on the basis of safety or operational concerns as provided in s. 335.184.

History.--s. 10, ch. 88-224; s. 105, ch. 92-152.

**335.188 Access management standards; access control classification system; criteria.--**

335.188 (1) The department shall develop, adopt, and maintain an access control classification system for all routes on the State Highway System, the purpose of which shall be to provide for the implementation and continuing application of the provisions of this act.

335.188 (2) The principal component of the access control classification system shall be access management standards, the purpose of which shall be to provide specific standards and criteria to be adhered to in the planning for and approval of access to roads on the State Highway System.

335.188 (3) The control classification system shall be developed consistent with the following:

335.188 (3) (a) The department shall adopt rules setting forth procedures governing the implementation of the access control classification system required by this act. The rule shall provide for input from the entities described in paragraph (b) as well as for public meetings to discuss the access control classification system. Nothing in this act affects the validity of the department's existing or subsequently adopted rules concerning access to the State Highway System. Such rules shall remain in effect until repealed or replaced by the rules required by this act.

335.188 (3) (b) The access control classification system shall be developed in cooperation with counties, municipalities, the state land planning agency, regional planning councils, metropolitan planning organizations, and other local governmental entities.

335.188 (3) (c) The rule required by this section shall provide for notification by publication in a local newspaper of general circulation prior to a change in the assignment of a road segment to a specific access category. The assignment or reassignment of a road segment to a specific access category shall be made in consideration of the following criteria:

335.188 (3) (c) 1. The current functional classification of each road on the State Highway System;

335.188 (3) (c) 2. Existing and projected traffic volumes;

335.188 (3) (c) 3. Existing and projected state, local, and metropolitan planning organization transportation plans and needs;

335.188 (3) (c) 4. Drainage requirements;

335.188 (3) (c) 5. The character of lands adjoining the highway;

335.188 (3) (c) 6. Local land use plans and zoning, as set forth in comprehensive plans;

335.188 (3) (c) 7. The type and volume of traffic requiring access;

335.188 (3) (c) 8. Other operational aspects of access;

335.188 (3) (c) 9. The availability of reasonable access to a state highway by way of county roads and city streets, as applicable to the classification of such roadway segment only; and

335.188 (3) (c) 10. The cumulative effect of existing and projected connections on the State Highway System's ability to provide for the safe and efficient movement of people and goods within the state.

335.188 (3) (d) Access management standards shall include, but not be limited to, connection location standards, safety factors, design and construction standards, traffic control devices, and effective maintenance of the roads. The standards shall also contain criteria for the spacing of connections, intersecting streets, roads, and highways.

335.188 (3) (e) An access control category shall be assigned to each segment of the State Highway System.

History.--s. 11, ch. 88-224; s. 4, ch. 89-232; s. 106, ch. 92-152; s. 80, ch. 99-385.

**335.199 Transportation projects modifying access to adjacent property.—**

335.199 (1) Whenever the Department of Transportation proposes any project on the State Highway System which will divide a state highway, erect median barriers

modifying currently available vehicle turning movements, or have the effect of closing or modifying an existing access to an abutting property owner, the department shall notify all affected property owners, municipalities, and counties at least 180 days before the design of the project is finalized. The department's notice shall provide a written explanation regarding the need for the project and indicate that all affected parties will be given an opportunity to provide comments to the department regarding potential impacts of the change.

335.199 (2)(a) If the project is within the boundaries of a municipality, the notification shall be issued in writing to the chief elected official of the municipality. If the project is in the unincorporated area of a county, the notification shall be issued in writing to the chief elected official of the county.

335.199 (2)( b) The department must also consult with the applicable local government on its final design proposal if the department intends to divide a state highway, erect median barriers, or close or modify existing access to abutting commercial business properties. The local government may present the department with alternatives that relieve impacts to such business properties.

335.199 (3) The department shall hold at least one public hearing in the jurisdiction where the project is located and receive public input to determine how the project will affect access to businesses and the potential economic impact of the project on the local business community.

335.199 (4) The department must review all comments from the public hearing and take the comments and any alternatives presented by a local government under subsection (2) into consideration in the final design of the highway project.

History.—ss. 1,2, ch. 2010-281; S.J.R. 10-A, 2010 Special Session A.

1Note.—Section 2, ch. 2010-281, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor's veto November 16, 2010. Senate Joint Resolution 10-A, 2010 Special Session A, provides that C.S. for C.S. for S.B. 1842, which became ch. 2010-281, is effective November 17, 2010.