



# Right of Way Rules

Proposed Amendments to Chapters 40E-6 & 40E-62,  
F.A.C. & Basis of Review for Right of Way  
Occupancy Permit Applications

June 13, 2013

## **RULE DEVELOPMENT ACTIVITIES**

**Initiated Rule Development: February 2012**

**Rule Development Workshop: August 22, 2012**

**All public comments received have been addressed to their satisfaction**

**Published notice of rulemaking in FAR: April 10, 2013**



## SUMMARY OF PROPOSED REVISIONS

- **Streamlining and clarification throughout Chapter 40E-6, F.A.C.**
- **Merging all relevant portions of Chapter 40E-62, F.A.C. (C-18 Right of Way Rule) into Chapter 40E-6, F.A.C., and repealing entire Chapter 40E-62, F.A.C.**
- **Reformatting Criteria Manual to make more user friendly**



## NOTICE OF CHANGE

- **In response to Joint Administrative Procedures Committee (JAPC) comments**
  - **Reconcile naming and referencing of Criteria Manual**
    - 40E-6.011(6), 40E-6.051(1), 40E-6.091(1), 40E-6.501(7), 40E-6.601(3)
  - **Minor clarities and corrections**
    - 40E-6.041(3)(ii), 40E-6.051(1)(c), 40E-6.221(8), 40E-6.221(9), 40E-6.321(1), 40E-6.701, 40E-6.751(11)(d)5
  - **Replacing “may” with “shall”**
    - 40E-6.331(3) and 40E-6.481(3)
  - **Replacing “may” with “is authorized to”**
    - 40E-6.721(6), 40E-6.741(1), and 40E-6.741(2)



## RECOMMENDED ACTION



Adopt amendments to Rules 40E-6.011, 40E-6.021, 40E-6.031, 40E-6.041, 40E-6.051, 40E-6.091, 40E-6.201, 40E-6.221, 40E-6.321, 40E-6.331, 40E-6.341, 40E-6.351, 40E-6.361, 40E-6.381, 40E-6.451, 40E-6.481, 40E-6.501, 40E-6.521, and 40E-6.601, F.A.C., repeal Rules 40E-6.101, 40E-6.121, 40E-62.011, 40E-62.020, 40E-62.021, 40E-62.023, 40E-62.041, 40E-62.042, 40E-62.043, 40E-62.051, 40E-62.101, 40E-62.301, 40E-62.321, 40E-62.331, 40E-62.341, 40E-62.351, 40E-62.381, and 40E-62.651, F.A.C., and add new rules 40E-6.701, 40E-6.711, 40E-6.721, 40E-6.731, 40E-6.741 and 40E-6.751, F.A.C., and the materials incorporated by reference in Rule 40E-6.091, F.A.C., regarding the Right of Way Permitting Program for Works.