

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

NONE

Section II
Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-91.002	Definitions
14-91.004	Prequalification Requirements
14-91.005	Public Announcement Procedures
14-91.007	Selection and Award Process

PURPOSE AND EFFECT: The amendments to this rule are being made to clarify language and provide options for competitive bidding on design-build projects.

SUMMARY: These amendments allow for competitive bidding on Department advertised Design-Build projects. The rule includes a new procurement method for non-complex projects that includes price as a principle, but not exclusive, consideration in the awarding of a project. The rule allows qualified bidders to team with design professionals and others in the submission of a bid proposal and eliminates an unused optional provision for advertising of projects outside of the Department’s website. The rule provides specific requirements for a letter of interest, and explains how Design-Build firms will be shortlisted by one of two methods after a review of the letters of interest. The rule provides that the assessments made by a Technical Review committee will be reviewed by a Selection Committee prior to the awarding of a Department project. The rule eliminates a chart providing a pre-set compensation range for stipend compensation to allow the stipend award to be placed in the project advertisement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the rule does not impose a fee for bidding on Design-Build projects and allows non-selected firms to receive stipend compensation.

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

RULEMAKING AUTHORITY: 334.044(2), 337.11(7)(b) FS.
LAW IMPLEMENTED: 337.025, 337.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-91.002 Definitions.

For purposes of this rule chapter the following definitions apply:

(1) “Adjusted Score Design-Build” means the contract award is based on the lowest adjusted score which is determined by dividing the price proposal, with any adjustments for proposed contract time when identified in the request for proposal, by the sum of the letter of interest score and the technical proposal score.

(2) “Bid Proposal” means the documents required by the public advertisement to include: a letter of interest, a technical proposal, and/or a price proposal.

~~(1) “Design Build” means combining the design and construction phases of a project into a single contract.~~

~~(3)(2) “Design-Build Firm” hereinafter referred to as “Firm” means any company, partnership, corporation, association, joint venture, design-build joint venture, or other legal entity authorized to practice engineering, architecture, and construction contracting as appropriate in the State of Florida.~~

(4) “Design-Build Project” means combining the design and construction phases into a single contract.

~~(3) “Project” means the work to be designed and constructed as described in the public announcement.~~

(5) “Factored Design-Build” means the contract award is based on the highest score received by comparing each proposer’s price proposal to the lowest price proposal received and each proposers score for Letter of Interest and Technical Proposal to the highest score for the Letter of Interest and Technical Proposal received by the Department. The sum of the scores for the Letter of Interest and the Technical Proposal from each proposer will be divided by the highest sum of the scores

for Letter of Interest and Technical Proposal from any proposer multiplied by a factor ranging from 15% to 30% as described in the public advertisement, including any adjustments for proposed contract time when identified in the request for proposal. The lowest price proposal received will be divided by each price proposal submitted by any proposer to determine a value which will be multiplied by a factor ranging from 70% to 85% as described in the public advertisement, including any adjustments for proposed contract time when identified in the request for proposal. In no case will the factors applied to the sum of the Letter of Interest plus Technical Proposal and to the Price Proposal be greater than 100%.

(6) “Low Bid Design-Build” means the contract award is based on a responsive technical proposal with the the lowest price proposal.

(7) “Non-complex project” means a Design-Build project in which plans have been substantially developed; are located in an unincorporated area or an incorporated area with a population of less than 200,000; do not involve complex Maintenance of Traffic schemes; and have limited options for innovation and specialized engineering. The procurement method for non-complex projects will be low bid or factored design-build.

(4) “Major Bridge Project” means a bridge project with an estimated construction cost of \$10 million or more.

(5) “Building Project” means a project to provide administration offices, operation and maintenance facilities, toll facilities, rest areas, weigh in motion facilities and other similar facilities.

(6) “Rail Corridor Project” means a project which involves design and construction of, improvements to or replacement of tracks and track components such as rails, ties, turnouts, crossings, bridges, trestles, culverts, signals, communication lines, poles, radio masts, buildings, structures, facilities and all other improvements or fixtures required for the operation of the railway.

(7) “Low Bid Design Build” means the contract award is based on the lowest responsive bid.

(8) “Adjusted Score Design Build” means the contract award is based on the lowest adjusted score, which is determined by dividing the price proposal by the technical proposal score.

(9) “Bid Proposal” means a separately sealed technical proposal and a sealed price proposal submitted by each Firm.

(10) “Value of Time Factor” means an adjustment to the price proposal to reflect the worth of completing a project in as short a time as possible. This adjustment factor is specified in subsection 14-91.007(7).

Rulemaking Authority 334.044(2), 337.11(7)(b) FS. Law Implemented 337.11(7) FS. History—New 3-13-88, Amended 6-13-90, 2-20-96, _____.

14-91.004 Prequalification Requirements.

(1) Design-Build Firms shall satisfy the technical qualification requirements as required by Rule Chapter 14-75, F.A.C., and all qualification requirements of Rule Chapter 14-22, F.A.C., based on the applicable category of the specific Design-Build Project project prior to the closing date for submittal of the letters of interest on Adjusted Score Design-Build Projects and Factored Design-Build Projects and prior to receiving the request for proposal on Low Bid Design-Build Projects.

(2) Design-Build Joint Venture. A Design-Build Joint Venture is created when a qualified bidder, or group of qualified bidders, and another entity enter into an agreement prior to bidding on Design-Build projects. A joint venture formed under Rule 14-22.007, F.A.C., will qualify as a Design-Build Joint Venture for purposes of this Chapter.

(a) The parties to the DBJV shall submit Form 375-020-18, Rev. 09/13, Declaration of Joint Venture and Power of Attorney for Bidding Specified Project(s), hereby incorporated by reference at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03121>, and receive Department approval for bidding prior to the due date of the expanded letter of interest on Adjusted Score Design-Build and Factored Design-Build projects or receiving the request for proposal on Low Bid Design-Build Projects.

(b) Design-Build Joint Venture Capacity. The parties to the Design-Build Joint Venture shall submit a statement in the name of the Design-Build Joint Venture signed by each party, indicating that 100% of the proposed contract work can be debited against the qualified bidder(s) current bid capacity as established in Rule 14-22.006, F.A.C. If more than one qualified bidder is a party to the Design-Build Joint Venture, the parties to the Design-Build Joint Venture must indicate the percentage of the proposed contract work to be debited against each qualified bidders current capacity. No party in the Design-Build Joint Venture may exceed its current capacity by virtue of the percentage of proposed contract work debited against its available capacity, as expressed in the signed statement and using the budget estimate as the comparison figure. The provisions of this section regarding the apportionment of the debit among the parties shall in no way divide the responsibility for the Design-Build Joint Venture bid or contract among the parties.

(c) Qualified parties who form a Design-Build Joint Venture under the provisions of this rule must have a Federal Employer Identification Number (FEIN) for the Design-Build Joint Venture or give proof that a FEIN has been requested. The Design-Build Joint Venture shall provide this number to the Department before the contract award can be made.

Rulemaking Authority 334.044(2), 337.11(7)(b) FS. Law Implemented 337.11(7) FS. History—New 3-13-88, Amended 2-20-96,_____.

14-91.005 Public Announcement Procedures.

The Department will use either the Adjusted Score, Factored, or Low Bid Design-Build process. The public advertisement for a Design-Build Project will specify which process will be used. Design-Build Projects will be advertised on the Department’s website at <http://www.dot.state.fl.us>, except when the Design-Build Project is necessitated by a declaration of emergency. The public advertisement will include a general description of the Design-Build Project and required submittals. Except in emergency situations where a proper declaration of emergency has been executed, the Department shall publish an announcement on the Internet web site at <http://www.dot.state.fl.us>, setting forth a general description of the project requiring design-build services and defining the process for interested firms to submit a letter of interest. The announcement will state where the letters of interest are to be sent. Additionally, the Department may utilize other forms of communication, such as newspapers or magazines, mailouts, or television or radio, to announce the Project when:

- (1) There is a likelihood of limited interest in the project;
- or
- (2) There is specific expertise necessary for the design or construction of the project; or
- (3) There is a need for a wider variety of bidders because of the nature, size, or scope of the project.

Rulemaking Authority 334.044(2), 337.11(7)(b) FS. Law Implemented 337.025, 337.11(7) FS. History—New 3-13-88, Amended 2-20-96, 9-3-96, 10-18-00,_____.

14-91.007 Selection and Award Process.

(1) Letters of Interest Requirements. Design-Build Firms interested in submitting desiring to submit Bbid Pproposals on an Adjusted Score Design-Build or a Factored a Ddesign-Build Project must submit a letter of interest, including the following information: setting forth the qualifications of the members of the Firm and providing any other information required by the announcement of the project.

- (a) Design-Build Firm name and prequalifications
- (b) Past Performance Evaluations, Design-Build Project Experience, Organization and Staffing:

- 1. Contractor Grades
- 2. Professional Consultant Grades
- 3. Performance History with other States or Agencies, if none with the Department. If the contractor or professional consultant does not have a performance history working with the Department or if the performance history is no longer current (older than 5 years), the Design-Build Firm can submit evidence of past performance, including evaluations or grades and letters of reference, or recommendations. Contact information for the references must be provided for verification purposes. Past performance information is limited to three (3) 8 1/2“x11 pages and is restricted to contractors or professional consultants without a current performance history with the Department.

- 4. Design-Build Project Experience of the Contractor and Professional Consultant
- 5. Similar type of work experience
- 6. Environmental Record
- 7. Contractor Experience Modification Rating (Current Year)
- 8. Design-Build Firm organization
- 9. Design-Build Firm staffing plan
- 10. Design-Build Firm coordination plan

- (c) Design-Build Project Requirements and Critical Issues:
- 1. Understanding of Design-Build Project requirements
- 2. Identification of critical issues
- 3. Outline for addressing critical issues

(d) One (1) page resumes on 8 1/2' x 11” paper for each of the key staff positions as provided in the public advertisement.

(e) A one (1) page organizational chart on 11” x 17” paper.

(f) If the public advertisement includes Group 4 Bridge Design work, the Design-Build Firm shall submit a Bridge Qualification Form, Form 375-030-55, 2/14 incorporated herein by reference at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04766>.

(g) A certification that the Design-Build Firm is free of conflicting professional or personal interests.

(h) Any other information required by the public advertisement.

(2) Short Listing Criteria and Procedures. On Adjusted Score Design-Build and Factored Design-Build Pprojects, the Department will determine the short list of Design-Build Firms will be evaluated based on an evaluation of the information provided in by the letters of interest and in accordance with Rule Chapter 14-75, F.A.C. For this purpose, all references to “professional” or “consultant” in Rule Chapter 14-75, F.A.C., shall be deemed to be a reference to “Design-Build Firm” under this rule chapter. The public advertisement will state project specific shortlisting criteria purusant to one of the following methodologies:

(a) After completing evaluations of the letters of interest, the Department will notify the Design-Build Firms of the evaluation and their scoring. Design-Build Firms providing written affirmation of their intent to proceed to the technical proposal phase of the procurement within the time provided in the Department's notification will be shortlisted and be eligible to submit technical and price proposals.

(b) The Department will determine the short-list of Design-Build Firms.

(3) Scope of Services Requirements. The Department shall develop a request for proposal scope of services which furnishes sufficient information for Design-Build Firms to upon which Firms may prepare technical and price bid proposals and which sets forth the technical proposal evaluation criteria. The request for proposal will set forth the scope of services requirements, submittal requirements, and evaluation criteria.

(4) Bid Proposal Requirements. Bid proposals shall consist of a technical proposal and a price proposal. The technical proposal and price proposal must will be received by the Department by the deadline stated in the request for proposal stipulated in the public announcement.

(a) Technical Proposal. A technical proposal shall include all information requested in response to the request for proposals.

(b) Price Proposal. A price proposal shall include one lump sum for all costs of the Design-Build Pproject as defined by the request for proposal scope of services requirements. Examples of such services are: design, permits, construction engineering and inspection and construction of the proposed project.

(5) Technical Review Committee. Proposal evaluators will be assigned to a A Technical Review Committee with will be assigned the responsibility to review and evaluate the letters of interest and review technical proposals in accordance with the provisions of the public advertisement and request for proposal. Proposal evaluators The members of the Technical Review Committee will be designated by the appropriate Director, or designee, based on the nature of the work requested and the complexity of the Design-Build Pproject. When non-Department personnel serve on the Technical Review Committee, Department personnel shall constitute the majority unless otherwise approved by the appropriate Director. No employee of a Design-Build Ffirm pursuing a Design-Build Pproject under consideration will serve as a proposal evaluator on the Technical Review Committee.

(6) Project Selection Committee. The Department will establish a Project Selection Committee. The Project Selection Committee will award the Design-Build Project if it is in the best interest of the State. The Technical Review Committee's evaluations will be submitted to the Project Selection Committee prior to final action by the Project Selection Committee. The Project Selection Committee will review the

evaluations of the Technical Review Committee, determine whether the submissions appropriately evaluate the letters of interest and proposals, and may ask the Technical Review Committee to reevaluate its submissions to the Project Selection Committee.

(6) The Department will use the Low Bid Design-Build process when its scope of work is precise, explicit and clearly defined, and will use the Adjusted-Score Design-Build when the scope of work is flexible and identifies an end result that the Department wants to achieve, rather than dictating specific methods and materials. The public announcement for a particular project will specify which process will be used.

(7) When time is to be used as an evaluation criteria, the Department will include an adjustment for the value of time in either type of design-build process referenced in subsection 14-91.007(6), F.A.C. This adjustment will be based on the Firm's proposed number of days to complete the project multiplied by a value per day established by the Department in the request for proposals, i.e., number of days multiplied by the dollar value per day equals the price proposal adjustment (increase). This factor will be used for selection purposes only and shall not affect the Department's liquidated damages schedule or affect the incentive/disincentive provisions of the contract.

(7)(8) Proposal Submission Limitation. A prime The contractor or lead design professional consultant cannot team with others other partners to submit more than one Bid proposal per Design-Build Pproject.

(8)(9) Stipend Compensation. When included in the public advertisement contract solicitation, the Department will shall pay a lump sum stipend to eligible shortlisted Design-Build Ffirms that were who are not selected for the Design-Build Project, but have submitted responsive Bid design-build Pproposals. The stipend compensation amount and the conditions for stipend eligibility will be stated in the public advertisement. The Department reserves the right to use any of the concepts, ideas, technologies, techniques, methods, processes, and information that are contained within the Bid Pproposals of any Design-Build Firm receiving stipend compensation for that Bid Proposal without any further compensation.

(a) To be eligible for In order to receive the stipend compensation, the unselected short listed Ddesign-Bbuild Ffirms that were not selected for the Design-Build Project, but submitted responsive Bid Proposals, must meet all eligibility requirements in the public advertisement and must enter into a contract with the Department immediately after short-listing. The contract is required to document the terms and conditions for the stipend. The Department will issue the stipend contract on the Department's Design/Build Stipend Agreement Form No. 700-011-14, Rev. 11/09, incorporated herein by reference.

(b) ~~The amount of the stipend compensation will be based upon the estimated proposal development costs and the degree of engineering design required during the procurement process, in accordance with the following guidelines:~~

Contract Value	Complex Urban & Rehabilitation Projects	New Construction Projects	Compensation Range
<\$5M	0.0050 x Estimate	0.0040 x Estimate	\$15K - \$25K
\$5M - \$20M	0.0030 x Estimate	0.0025 x Estimate	\$15K - \$60K
\$20M - \$50M	0.0020 x Estimate	0.0018 x Estimate	\$36K - \$100K
\$50M - \$100M	0.0015 x Estimate	0.0012 x Estimate	\$60K - \$150K
>\$100M	0.0012 x Estimate	0.0010 x Estimate	\$100K +

The actual stipend compensation will vary based on the nature of the work, complexity of the Design-Build project, technical expertise required, and the value of the work product to the Department. ~~The amount and conditions of the stipend compensation will be included in the Department's solicitation.~~

(c) A stipend is not intended to compensate the Design-Build firms for the total cost of preparing the Bid proposal. Rulemaking Authority 334.044(2), 337.11(7)(b), ~~337.11(8)~~ FS. Law Implemented 337.025, 337.11(7), ~~337.11(8)~~ FS. History—New 3-13-88, Amended 6-13-90, 2-20-96, 9-3-96, 10-18-00, 5-3-09, 2-17-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Sadler, Director, Office of Construction
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2014
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 7, 2014

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-19.001
RULE TITLE: Filing Education and Training Programs.
PURPOSE AND EFFECT: The Division proposes this rule amendment to clarify the process of filing, reviewing, and approving educational curriculums for condominium training and educational programs.

SUMMARY: The amendment clarifies the procedures pertaining to the filing of educational curriculums for condominium training and educational programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted by the agency.

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

RULEMAKING AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.501(1)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Debbie Miller, Government Analyst I, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

EDUCATIONAL AND TRAINING PROGRAMS
COMPLAINTS

61B-19.001 Provider Filing and Curriculum for Educational Education and Training Programs.

(1) Anyone seeking to be ~~considered~~ as a division approved ~~condominium education~~ provider shall (~~“provider”~~) and have their Condominium Education Program (“program”) ~~listed on the department’s website may file the education materials (“materials”) that make up the program with the division~~ the educational materials used in the condominium education program for consideration as part of the division’s list of approved programs and providers. The following information shall be included regarding the education program:

(a) A price list for the program and a copy of all materials, including any information that will be provided to participants.

(b) The physical locations where programs will be available, if not web-based.

(c) Dates when programs will be offered.

(2) All materials must be submitted to the division via e-mail to CTMH.BdMbrCertProviders@myfloridalicense.com, by providing access to web-based training programs, or in either printed form ~~electronic media in~~ or CD ROM format to the following address:

Division of Florida Condominiums, Timeshares, and Mobile Homes
 Bureau of Compliance
 1940 North Monroe Street
 Tallahassee, FL 32399-1030

(3) Programs shall cover at least four of the following topics in order to meet the requirements of an educational curriculum for a condominium education program as provided in Section 718.112(2)(d)4.b., F.S.:

- (a) Budgets and reserves.
- (b) Elections.
- (c) Financial reporting.
- (d) Condominium operations.
- (e) Records maintenance, including unit owner access to records.
- (f) Dispute resolution.
- (g) Bids and contracts.

(4) Programs and materials shall not contain editorial comments.

~~(5)(3) Within The division shall have 45 days from receipt of the materials, the division shall notify the provider of any to review and either cite deficiencies in the materials or that the materials have been approved approve the materials. If approved, the department will list the provider and program on the department's website as part of the list of approved programs and providers. If the notice is not given the division does not approve the materials or issues a notice of deficiency within 45 days from receipt of the date such materials, were received by the division then the materials are deemed approved.~~

(6)(4) The provider shall have 45 days from the date of the division's notification of deficiencies to correct such deficiencies receipt to respond to a notice of deficiency. If the deficiencies are not corrected within the 45-day period provider fails to respond in the required timeframe, the division shall reject the filing request shall expire and be rejected.

(7)(5) Within The division shall have 20 days from receipt of the to review deficiency corrections to noted deficiencies, the division shall notify the provider of any deficiencies or that the materials have been approved submitted by providers. If the notice is division has not given approved the materials or issued a notice of deficiency within 20 days from receipt of the date

~~such corrections, or responses were received by the division then the materials are deemed approved.~~

~~(8)(6) Approved materials may be provided to participants via web-based training programs, seminars, or printed media.~~

~~(9)(7) The division will maintain a list of all approved programs and providers on the Department of Business and Professional Regulation's website at <http://www.myfloridalicense.com/dbpr/lsc/condominiums/CondoEducation.html> <http://www.myflorida.com/dbpr/lsc/index.html>.~~

(10) The division reserves the right to require changes to approved education and training programs.

(11) The provider will issue a certificate of completion to a board member who has successfully completed the approved educational curriculum.

Rulemaking Authority 718.501(1)(f) FS. Law Implemented 718.501(1)(j) FS. History—New 12-10-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Ronnie Whitaker, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 3, 2014

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-38.001	Definitions
65C-38.002	Child Abuse, Abandonment and Neglect Record Check

PURPOSE AND EFFECT: Section 39.0138(1), F.S., requires the Department to establish by rule standards for evaluating any information contained in the automated system relating to a person who must be screened for purposes of making a placement decision. The proposed rule establishes such standards and codifies federal requirements for out-of-state child welfare background checks to be conducted for purposes of making a placement decision.

SUMMARY: The Department intends to create Chapter 65C-38, F.A.C., State Automated Child Welfare System (SACWIS) Checks for the Placement of Children. The proposed rules will establish standards for evaluating information contained in the automated system relating to persons who must be screened for the purpose of making placement decisions. Additionally, the

proposed rules will codify the requirements of 42 U.S.C. 671(a)(20)(B)(i).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in Section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 39.012, 39.0121, 39.0138 FS.
LAW IMPLEMENTED: 39.0138, 39.301 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jodi Abramowitz, Jodi.abramowitz@myflfamilies.com or (850)717-4189. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jodi Abramowitz, Jodi.abramowitz@myflfamilies.com or (850)717-4189

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-38.001 Definitions.

(1) “Child Abuse, Abandonment, and Neglect Record Check” means a complete and thorough check of the Florida Safe Families Network and any other out-of-state automated child welfare system for all records and information related to the determination of maltreatment findings for individuals being considered for placement of a child.

(2) “Florida Safe Families Network (FSFN)” means the Department’s State Automated Child Welfare System (SACWIS). FSFN serves as the statewide electronic case record for all child abuse investigations and case management activities in Florida.

(3) “Verified Finding” means a finding by the child protective investigator that a preponderance of credible evidence exists to support the allegations of abuse, neglect or abandonment. A verified finding includes an out-of-state finding of “substantiated.”
Rulemaking Authority 39.012, 39.0121, 39.0138 FS. Law Implemented 39.0138, 39.301 FS. History—New _____.

65C-38.002 Child Abuse, Abandonment and Neglect Record Check.

(1) The Department, community-based care lead agency and its subcontracted providers shall check the electronic FSFN case record for information on all persons being considered for placement of a child, including parents and all members of the household, 12 years of age and older, and other visitors to the home 18 years or older who have unsupervised contact with the child.

(2) Out-of-state child welfare background checks shall be conducted on any household member who has resided outside the state of Florida within the past five years. In states that do not use a centralized intake or state automated child welfare system (SACWIS) the Florida child welfare professional is required to contact the county administered child protection program to complete the record check.

(3) When a child welfare background check reveals an individual seeking placement of the child, or any adult household member or other adult visitor to the home has a verified maltreatment finding associated with a child fatality or termination of parental rights, the Department, community-based care lead agency or its subcontracted provider shall not recommend placement of the child with that individual without the approval of the Regional Managing Director or his or her designee.

(4) When a child welfare background check reveals an individual seeking placement of the child, or any adult household member or other adult visitor to the home has a Florida or out-of-state verified maltreatment finding associated with a prior adult or child protective investigation, the following factors shall be considered in determining whether placement with the individual will jeopardize the safety of the child being placed:

- (a) Severity of the maltreatment, based upon:
1. Age of the child;
 2. Location of the injury on the child’s body;
 3. Multiplicity of the injuries;
 4. Degree of trauma experienced by the child.

(b) Duration of the maltreatment (i.e., one time incident or numerous incidents over time).

(c) Number of prior reports and the findings associated with those reports.

(d) Amount of time that has elapsed since the most recent agency involvement and any rehabilitative changes in the individual’s life that would indicate an increased level of caregiver protective capacity such that the individual would no longer represent a threat to a child.

(e) The individual has established a strong bond with the child and has cared for and protected the child in the recent past, and:

1. Has demonstrated adequate knowledge, skill and resources to fulfill caregiving responsibilities and tasks;

2. Is physically and mentally able to provide for the child’s care; and

3. Understands and supports all aspects of the safety plan to keep the child safe.

(5) When a child welfare background check reveals any child residing in the household has been involved in juvenile sexual abuse or has displayed inappropriate sexual behavior the Department, community-based care lead agency or its subcontracted provider shall not recommend placement of another child in that home unless it is determined that an assessment was conducted and treatment services were provided to the child involved in juvenile sexual abuse and/or the child who has exhibited inappropriate sexual behavior to the degree that safety of the child being placed will not be jeopardized.

Rulemaking Authority 39.012, 39.0121, 39.0138 FS. Law Implemented 39.0138, 39.301 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Harper

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 28, 2014

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-4.0012	Application Information
6A-4.002	General Provisions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40, No. 205, October 21, 2014 issue of the Florida Administrative Register.

Rule 6A-4.0012 is amended as follows:

(1)(a) A completed Form CG-10 and a nonrefundable application fee. Form CG-10, Application for Florida Educator’s Certificate, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04772>) effective December 2014, is hereby incorporated by reference and made a part of this rule. The form may be submitted online via the Department of Education, Educator Certification website at <https://certify.fldoe.org>, or may be retrieved from the website and submitted via postal delivery to the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400. The nonrefundable application fee is prescribed below:

(b) A completed Form CG-10R and a nonrefundable application fee. Form CG-10R, Application for Renewal or Reinstatement of a Professional Florida Educator’s Certificate (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04773>) effective December 2014, is hereby incorporated by reference and made a part of this rule. The form may be submitted online via the Department of Education, Educator Certification website at <https://certify.fldoe.org>, or may be retrieved from the website and submitted via postal delivery to a district school board office or to the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400. The nonrefundable application fee is \$75.00. An application for renewal of a professional certificate that is received by the Bureau of Educator Certification or by a district school board office after the expiration of the professional certificate as specified in Rule 6A-4.0051, F.A.C., shall be submitted with a \$30.00 late fee in addition to the nonrefundable application fee.

(5) District application process. Form CG-10RD, Application for Renewal of a Florida Professional Educator’s Certificate – District Version, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04774>) effective December 2014, is hereby incorporated by reference and made a part of this rule. Form CG-10D, Application for a Florida Educator’s Certificate – District Version, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04775>) effective Decemember 2014, is hereby incorporated by reference and made a part of this rule. Each district school board office shall retrieve the forms from the Department of Education, Educator Certification web-based system (<https://bec-pass.fldoe.org>) and shall process requests for the issuance of certificates for employees of the school district via the Department of

Education, Educator Certification web-based system as follows:

Law Implemented ~~943.0585, 943.059~~, 1012.31, 1012.32, 1012.55, 1012.56, 1012.586, 1012.59, 1012.798 FS.

Rule 6A-4.002 is amended as follows:

(1)(l) The electronic database maintained by the Bureau of Educator Certification serves as the custodial source for official Department of Education records of each person to whom a Florida Educator’s Certificate is issued. Educator Certification notifies an educator by electronic mail upon issuance of a certificate and provides the educator secure access to review and retrieve a printable copy of his/her currently valid certificate(s) via the Educator Certification website at <https://certify.fldoe.org>. Authorized Florida school employers are provided secure, online access (<https://bec-pass.fldoe.org>) to verify an educator’s certification information for employment screening before hiring instructional personnel and school administrators. The bureau provides online access via the Educator Certification website (<https://www.fldoe.org/edcert/public.asp>) for the inspection of public records of educators to whom a currently valid certificate is issued.

(4) Examinations. The examinations used for demonstration of mastery of general knowledge, professional education competence, and subject area knowledge shall be aligned with student standards approved by the State Board of Education pursuant to s. 1012.56(4) & (9)(f), F.S. and Rule 6A-1.09401, F.A.C.

Rulemaking Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.10(5)(b), ~~1001.10(6)~~, 1012.55, 1012.56 FS.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-7.001	Policy
40D-7.002	Definitions
40D-7.003	Notice to Defaulting Contractor
40D-7.004	Factors to Determine Whether a Contractor Should be Placed on the Temporary or Permanent Suspension List

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40, No. 167, August 27, 2014 issue of the Florida Administrative Register.

40D-7.001 Policy.

(1) No change.

(2) The District’s objective in enacting this chapter is to serve as a good stewards of taxpayer funds and encourage business practices that require contractors to materially perform in accordance with the terms and conditions of the District contract.

(3) The District Governing Board shall be authorized to temporarily or permanently suspend a contractor from doing business with the District, based upon a determination evidence that the contractor has materially breached its contract with the District ~~and the factors provided in this chapter~~. The Governing Board may elect not to take action.

(4) No change.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History–New_____.

40D-7.002 Definitions.

When used in this chapter:

(1) through (2) No change.

~~(3) “Material breach” means any non-performance that is not legally excusable. The breach is either failing to perform an act that is an important part of the transaction or performing an act that is inconsistent with the terms and conditions of the contract.~~

~~(3)(4)~~ “Notice to Defaulting Contractor” means a written notification from the District to a contractor ~~that materially breached a contract with the District~~ stating that the contractor materially breached a contract with the District for the purposes of this chapter and is being referred to the Governing Board for a determination as to whether the contractor should be placed on the District’s Temporary or Permanent Suspension List.

~~(4)(5)~~ “Obligor” means an entity that has promised or is otherwise legally obligated to perform an act or deed for the benefit of a third party beneficiary. Obligors to the District include but are not limited to insurance companies and surety companies.

~~(5)(6)~~ “Principal(s)” means a sole proprietor, partner, owner, officer, or director of the contractor that materially breached a District contract.

~~(6)(7)~~ “Re-procurement costs” means the total amount of additional expense, which may include administrative costs or attorney’s fees, that the District has or will incur in order to obtain substitute goods or services from another contractor to complete the requirements that the contractor ~~materially~~ failed to perform in accordance with the District contract.

~~(7)~~(8) “Suspension Notice” means a written notification from the District informing a contractor that it has not been suspended from doing business with the District or advising a contractor that it has been placed on the District’s Suspension List and is temporarily or permanently suspended from doing business with the District.

~~(8)~~(9) “Suspension List” means a list of contractors maintained by the District that are temporarily or permanently suspended from doing business with the District.

~~(9)~~(10) “Third-party beneficiary” means whenever the District is the intended beneficiary of a contract but is not a party to the contract.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History–New_____.

40D-7.003 Determination and Notice of a Material Breach of a Contract with the District Notice to Defaulting Contractor.

(1) ~~For the purposes of this chapter, the~~ Procurement Manager, or subsequently titled position, shall

determine, in consultation with the District’s Executive Director and General Counsel, whether a contractor has that materially breached a contract with the District will be referred to the Governing Board based on the factors listed in subsection 40D-7.004(2).

(2) The determination that a contractor has materially breached a contract with the District shall be based upon a finding that the contractor acted in a manner that was inconsistent with the terms and conditions of the contract under circumstances not excused by the contract, and the action resulted in or involved one or more of the following conditions:

(a) An adverse economic impact to the District of greater than \$10,000;

(b) A delay in the completion of a District project by more than 3 months;

(c) The contractor failing to perform in accordance with professional licensing standards and regulations;

(d) The contractor intentionally failing to comply with Florida public records laws;

(e) The contractor discriminating on the basis of race, color, creed, national origin, sex, age, or handicap;

(f) The contractor violating requirements of a District solicitation to ensure the fair award of District contracts, including price fixing between competitors, allocation of customers between competitors, and bid rigging;

(g) The contractor demonstrating willful or gross misconduct;

(h) The commission of a criminal offense, including public entity crimes as defined in Subsection 287.133(1)(g), F.S.;

(i) The commission of any act indicating a lack of business integrity or honesty; and,

(j) The contractor knowingly doing business with a suspended contractor.

~~(3)~~(2) Upon determining that a contractor materially breached a District contract in accordance with the requirements of subsection 40D-7.003(2), F.A.C., the District will ~~If it is determined one of the factors listed in subsection 40D-7.004(2) is implicated, the District shall~~ notify the contractor that the Governing Board will determine whether the contractor should be placed on the District’s Temporary or Permanent Suspension List by forwarding a Notice to Defaulting Contractor sent Certified U.S. Mail, return receipt requested. The Notice to Defaulting Contractor shall be provided to the contractor at least 7 days prior to the Governing Board meeting.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History–New_____.

~~40D-7.004 Determination and Notice of Factors to Determine Whether a Contractor Should be Placed on the Temporary or Permanent Suspension List.~~

(1) Once the District has sent a Notice to Defaulting Contractor to the contractor, the Governing Board shall determine whether the contractor should be suspended from doing business with the District, and if suspended, the duration of the suspension. ~~The Governing Board shall base its decision on a consideration of the factors below.~~

~~(2) The Governing Board shall consider the following The factors to be considered when determining making a determination whether to refer a contractor to the Governing Board and whether a contractor should be temporarily suspended from doing business with the District for a period of time no more than 5 years in accordance with Section (1) above are if:~~

~~(a) The material breach resulted in an adverse economic impact to the District of less than \$50,000;~~

~~(b) The contractor failed to pay re-procurement costs in a timely manner;~~

~~(b)(e) The material breach resulted in, or will result in, a substantial delay in the completion of a District project of less than 1 year;~~

~~(d) The material breach impacted, or will impact, the District in meeting a legislative deadline;~~

~~(e) The material breach impacted, or will impact, the District in meeting its contractual obligations with another entity;~~

~~(f) The contractor violated the Local Government Prompt Payment Act;~~

~~(c)(g) The contractor failed to perform in accordance with professional licensing standards and regulations;~~

~~(d)(h)~~ The contractor failed to comply with Florida public records laws;

~~(e)(i)~~ The material breach involved discrimination on the basis of race, color, creed, national origin, sex, age, or handicap;

~~(j)~~ The contractor violated requirements of a District solicitation to ensure the fair award of District contracts, including price fixing between competitors, allocation of customers between competitors, and bid rigging;

~~(f)(k)~~ The material breach involved willful or gross misconduct;

~~(g)(l)~~ The District ~~in the past five years~~ has terminated a District contract with the contractor due to the contractor's material breach within the past 5 years;

~~(m)~~ The material breach resulted in property damage, personal injury, or death;

~~(n)~~ The material breach involved the commission of a criminal offense, including public entity crimes as defined in Subsection 287.133(1)(g), F.S.;

~~(h)(o)~~ The material breach involved the commission of any act indicating a lack of business integrity or honesty; and,

~~(i)(p)~~ The material breach involved knowingly doing business with a suspended contractor.

~~(q)~~ The contractor was on another Federal or State suspension or debarment list at the time it breached its current contract with the District.

(3) The Governing Board shall consider the following when making a determination whether a contractor should be permanently suspended from doing business with the District:

(a) The material breach resulted in an adverse economic impact to the District of \$50,000 or more;

(b) The material breach resulted in a delay in the completion of a District project of 1 year or more;

(c) The material breach involved discrimination on the basis of race, color, creed, national origin, sex, age, or handicap;

(d) The contractor violated a District solicitation to ensure the fair award of District contracts, including price fixing between competitors, allocation of customers between competitors, and bid rigging; and,

(e) The material breach involved the commission of a criminal offense, including public entity crimes as defined in Subsection 287.133(1)(g), F.S.;

~~(4)(3)~~ The District shall issue a Suspension Notice by Certified U.S. Mail, return receipt requested, upon the Governing Board's determination that the contractor will not be suspended or has been temporarily or permanently suspended from doing business with the District. The Suspension Notice shall specify the ~~factors provided in subsection 40D 7.004(2)~~

~~upon which the determination by the Governing Board was based~~ basis for the Governing Board's determination and the duration of any suspension. The notice shall inform the contractor that its principals shall not do business with the District under a different name or form a new legal entity in order to do business with the District while the contractor remains on the Suspension List.

~~(5)(4)~~ Upon written request to the District a ~~A~~ contractor placed on the Temporary Suspension List will be reinstated at the conclusion of the contractor's suspension period after reimbursing the District for all re-procurement costs ~~shall reimburse the District all re-procurement costs prior to being removed from the Suspension List.~~

~~(6)(5)~~ Contractors that are placed on the Permanent Suspension List will be permanently suspended from doing business with the District.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-1.010
 RULE TITLE: Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40, No. 209, October 27, 2014 issue of the Florida Administrative Register.

The correction is needed because the date, time, and comment period of the hearing is changed. The correction is as follows:
A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, January 15, 2015, 11:00 a.m. – 12:00 Noon

Comments will be received until 5:00 p.m. on Friday, January 16, 2015.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NOS.: 61G10-11.002
 RULE TITLES: Reexamination
 61G10-11.010 Seals

NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40, No. 178, September 12, 2014, issue of the Florida Administrative

Register: For 61G10-11.010, change “may” to “shall” in subsection (1); correct rule development date on Notice of Proposed Rule to August 28, 2014.

The person to be contacted regarding the rule is: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:
64B13-3.007 Minimum Procedures for Comprehensive Eye Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 40, No. 95, May 15, 2014 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:
64B13-4.009 Dispensing Practitioner Registration

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 40, No. 177, September 11, 2014 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-4.001 Licensure as a Physical Therapist Assistant by Examination

NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40, No. 199, October 13, 2014, issue of the Florida Administrative Register: Based on comments received at the public hearing held November 6, 2014, “assistant” is being added as the fourth word of the first sentence.

THE PERSON TO BE CONTACTED REGARDING THE RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice:

That it has denied a petition for variance.

Petitioner’s Name: Joan M. Henry – File Tracking No. 14-4191

Date Petition Filed: April 21, 2014

Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver was sought: lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register: April 24, 2014

General Basis for Agency Decision: Petitioner has not demonstrated that a variance or waiver from District rules is appropriate.

A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, x. 2298, water.variances@watermatters.org.

**Section VI
Notice of Meetings, Workshops and Public
Hearings**

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

The Council on the Social Status of Black Men and Boys announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 5, 2014, 9:30 a.m. – 12:30 p.m.

PLACE: Toll Free Dial in Number: 1(888)670-3525,

Conference Code: 0000000000

GENERAL SUBJECT MATTER TO BE CONSIDERED: AD HOC SUBCOMMITTEE DOD TELECONFERENCE. The Council’s executive committee will center its attention on the Direct Support Organization update. The ad hoc committee will discuss the preparations for the “2015 Day of Dialogue” with educational topics.

A copy of the agenda may be obtained by contacting: visiting <http://www.cssbmb.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Bureau of Criminal Justice Programs at (850)414-3300.

STATE BOARD OF ADMINISTRATION

The participant local government advisory council (PLGAC) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 4, 2014, 11:00 a.m. until conclusion of business

PLACE: Osceola County Government Center, First Floor Conference Room, Tax Collector’s Office, 2501 E. Irlo Bronson Memorial Highway, Kissimmee, Florida 34744

Attendees should check-in at the reception desk. On-site parking available.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Participant Local Government Advisory Council. The PLGAC is a six-member advisory council, which reviews the administration of the Local Government Surplus Funds Trust Fund (aka Florida PRIME) and makes recommendations regarding such administration to the Trustees. The Council operates under s. 218.409 (10)(a) of the Florida Statutes.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration, (850)413-1253 or diane.bruce@sbafla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: James Linn, (850)413-1166 or james.linn@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

The Florida Prepaid College Board announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 11, 2014, 8:30 a.m. or soon thereafter, until completion

PLACE: Gulf Coast State College, Advanced Technology Center, 3rd Floor, Room 303, 5230 West U.S. Highway 98, Panama City, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct meetings of the regular business of the Florida Prepaid

College Board Investment Committee; the Florida Prepaid College Board; and, the Florida Prepaid College Board Audit Committee.

A copy of the agenda may be obtained by contacting: <http://www.myfloridaprepaid.com/> or by calling the Florida Prepaid College Board at (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax a written request to the Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council

The Northeast Florida Regional Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 4, 2014, 9:00 a.m., Personnel, Budget & Finance Policy Committee; 10:00 a.m., Full Board of Directors

Please check our website: www.nefrc.org for any changes.

PLACE: University of North Florida, 12000 Alumni Drive, Jacksonville, FL 32224

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or sforde@nefrc.org.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 10, 2014, 1:00 p.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Springs Coast Management Committee: Discussion will include the framework for management plans, approval of BMAP Nutrient Management Strategy & Management Actions and other water quality drivers.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Chris.zajac@watermatters.org, 1(800)423-1476 (FL only) or (352)796-7211, x4413 (Ad Order EXE0366).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 6, 2015, 9:00 a.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2015 Draft Florida Department of Transportation Mitigation Plan Meeting. For public comment related to the 2015 Draft Transportation Mitigation Plan.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Bureau Chief at 1(800)423-1476 (FL only) or (352)796-7211, x4703; TDD (FL only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jennifer.Brunty@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, x6571 (Ad Order EXE0367).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

The Florida Mobile Home Relocation Corporation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, December 3, 2014, 10:00 a.m.

PLACE: via-telephone only

To attend the meeting by telephone, please call: 1(888)909-7654 and enter passcode: 128126 when prompted

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will address official business of the Florida Mobile Home Relocation Corporation which will include, among other matters, a review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use and such other business as may come before the Board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Vicky Krentz at 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Vicky Krentz at 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Vicky Krentz, Executive Director, FMHRC, P. O. Box 7848, Clearwater, FL 33758, 1(888)862-7010. Ms. Krentz may be reached by email: vicky@fmhrc.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: December 4, 2014, 9:00 a.m. –11:00 a.m.

PLACE: The Town of Palm Beach Town Hall, Council Chambers-Second Floor, 360 South County Road, Palm Beach, Florida 33480

GENERAL SUBJECT MATTER TO BE CONSIDERED: FIRST ANNUAL STAKEHOLDER MEETING of the PALM BEACH ISLAND Beach Management Agreement (BMA). The stakeholder meeting is a public meeting open to all interested parties. The meeting will provide an overview of the Palm Beach Island BMA and will present the annual monitoring data (physical, turtle, hardbottom) collected in the first year since issuance of the BMA.

A copy of the agenda may be obtained by contacting: Lainie Edwards, Department of Environmental Protection at Lainie.edwards@dep.state.fl.us, phone: (850)545-9352.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lainie Edwards, information above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida Communities Trust Governing Board announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 10, 2014, 2:30 p.m. (EST) to conclusion

PLACE: Conference Room A, Douglas Building, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399

Interested parties may also participate via conference call by dialing: 1(888)670-3525 and entering participant code: 7020742991#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FCT Governing Board will consider the August 5, 2014 meeting minutes and any other business, old or new, deemed necessary.

A copy of the agenda may be obtained by contacting: Linda Reeves, Florida Department of Environmental Protection, Office of Operations, Land and Recreation Grants Programs, 3800 Commonwealth Blvd., Mail Station #103, Tallahassee, Florida 32399, Telephone: 1(850)245-2702, Email: Linda.Reeves@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Linda Reeves using the contact information provided above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Respiratory Care

The Board of Respiratory Care announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2015, 8:30 a.m., E.S.T. or soon thereafter

PLACE: Homewood Suites by Hilton Tallahassee, 2987 Apalachee Parkway, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: The Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, by calling the board office at (850)245-4373, ext. 3468 or by visiting the website: www.floridasrespiratorycare.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The department at (850)245-4444, ext. 3418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

The Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 9, 2014, 3:30 p.m., EST

PLACE: Conference Call Line: 1(888)670-3525, participant code: 538 249 6242

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Health, Children’s Medical Services, The Agency for Health Care Administration, and the Children’s Medical Services Cardiac Technical Advisory Panel are scheduling a conference call to discuss collaborative opportunities to both monitor and improve the quality of care provided to children with congenital or acquired cardiac disease and adults with congenital heart disease.

A copy of the agenda may be obtained by contacting: Chrishonda Jenkins, RN, BSN, (850)245-4200, extension *2247.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Refugee Services

The Pensacola Area Refugee Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 11, 2014, 10:00 a.m. – 12:00 Noon

PLACE: Pastoral Center, 11 North B Street, Pensacola, FL 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Pensacola Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Theresa Leslie at (850)778-4065 or Taddese Fessehaye at (407)317-7335.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Theresa Leslie at (850)778-4065 or Taddese Fessehayee at (407)317-7335. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Theresa Leslie at (850)778-4065 or Taddese Fessehayee at (407)317-7335.

SCRIPPS FLORIDA FUNDING CORPORATION

The Audit Committee of the Scripps Florida Funding Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 24, 2014, 5:00 p.m.
 PLACE: call in number: (605)475-3200, Access Code: 255626#

GENERAL SUBJECT MATTER TO BE CONSIDERED: SFFC financial audit.

A copy of the agenda may be obtained by contacting: scrippscorp@bellsouth.net.

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

For more information, you may contact: scrippscorp@bellsouth.net.

DRMP, INC.

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2014, 5:30 p.m. – 6:30 p.m.
 PLACE: Plainview Baptist Church, 1101 West Nine Mile Road, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held by the Florida Department of Transportation (FDOT) to provide information and to receive input concerning proposed improvements to State Road (S.R.) 10 (U.S. 90A/Nine Mile Road) from S.R. 297 (Pine Forest Road) to S.R. 95 (Q.S. 29) in Escambia County. Maps, drawings, and other information will be on display. There will be no formal presentation. Representatives from the FDOT will be available to explain proposed improvements and answer questions.

Those wishing to submit written comments/questions may do so at the meeting, via email: hhodge@panhandlegroup.com or by mailing them to the FDOT General Consultant Project

Manager Howard Hodge, P.E., 1369 South Railroad Avenue, Suite D, Chipley, Florida 32428. All comments must be postmarked on or before December 13, 2014.

The intent of the project is to widen 2.28 miles of the existing roadway from four to six lanes, improve drainage, add bicycle lanes and sidewalks, and construct various safety upgrades. Changes in access management along with intersection improvements have been included. The project is funded for right-of-way acquisition and construction.

A copy of the agenda may be obtained by contacting: FDOT General Consultant Project Manager Howard Hodge, P.E., 1369 South Railroad Avenue, Suite D, Chipley, Florida 32428 or via email: hhodge@panhandlegroup.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: FDOT General Consultant Project Manager Howard Hodge, P.E., 1369 South Railroad Avenue, Suite D, Chipley, Florida 32428 or via email: hhodge@panhandlegroup.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: FDOT General Consultant Project Manager Howard Hodge, P.E., 1369 South Railroad Avenue, Suite D, Chipley, Florida 32428 or via email: hhodge@panhandlegroup.com or District Three Public Information Director, toll-free: 1(888)638-0250, ext. 1205 or via email: ian.satter@dot.state.fl.us.

**Section VII
 Notice of Petitions and Dispositions
 Regarding Declaratory Statements**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Tonia Troutwine, Esq., Unit Owner and Attorney, on behalf of Frank Speciale, Unit Owner, In Re: Olive Glen Condominium Association, Inc., Docket No. 2014044965, filed on October 27, 2014. The petition seeks the agency’s opinion as to the applicability of Section 718.110(4), Florida Statutes as it applies to the petitioner.

Whether the condominium board must receive one hundred percent unit owner approval before applying for a substantial

change in the zoning of a common area from residential recreational to commercial office property pursuant to Section 718.110(4), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Danny Brown, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1486, Daniel.Brown@myfloridalicense.com.

Please refer all comments to: Brittany Finkbeiner, Chief Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of the
Joint Administrative Procedures Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

NONE

**Section XII
Miscellaneous**

AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need

DECISION ON EXPEDITED APPLICATION
The Agency for Health Care Administration made the following decision on Certificate of Need application for expedited review:

County: Sumter Service District: 3-7
CON#: 10238 Decision Date: 11/19/2014 Decision: A
Facility/Project: Buffalo Crossing Health Care and Rehabilitation Center

Applicant: Retirement Four, LLC
Project Description: Construct a 120-bed community nursing home in a deed-restricted retirement community within The Villages, Florida

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Register, pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**Section XIII
Index to Rules Filed During Preceding
Week**

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.