

The Commission granted the Petition concluding that the Petitioner may give written authorization to a closing agent to disburse commissions directly to a salesperson, pursuant to s. 475.42(1)(d), Fla. Stat.

A copy of the Petition may be obtained by writing: James D. Kimbler, Acting Director, Division of Real Estate, 400 West Robinson Street, Orlando, Florida 32801.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Department of Environmental Protection, has received a petition for a declaratory statement from Ms. Ana E. Wood, Solid Waste Director, Environmental Services Solid Waste Division, Polk County. The petition seeks the agency's opinion as to the applicability of 40 CFR Subpart WWW as it applies to the petitioner.

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

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

Health Insurance Association of America, Inc. vs. Department of Insurance; Rule No.: 4-154.520; Case No.: 99-0267RP

Florida Association of Health Maintenance Organizations, Inc. vs. Department of Insurance; Rule No.: 4-154.520; Case No.: 99-0268RP

Florida Association of Life Underwriters vs. Department of Insurance and Treasurer, Rule No.: 4-154.520, Case No.: 99-0272RP

Florida Language, Speech and Hearing Association, Inc. d/b/a Florida Association of Speech-Language Pathologists and Audiologists, Inc. vs. Department of Education; Rule Nos.: 6A-4.006(2)(b),(3)(c), 6A-4.01761 and 6A-6.03012(5),(6); Case No.: 98-2567RP

Florida Pulp and Paper Association Environmental Affairs, Inc. vs. St. Johns River Water Management District, Rule No.: 40C-2.101; Case No.: 98-4707RP

Florida Association of Realtors vs. Florida Real Estate Commission, Rule No.: 61J2-10.039; Case No.: 98-5247RP

The Florida Electric Power Coordinating Group, Inc., The City of Lakeland, The City of Tallahassee and Solutia, Inc. vs. Department of Environmental Protection and Department of Health; Rule No.: 62-610; Case No.: 99-0229RP

The City of Tallahassee vs. Department of Health; Rule No.: 64E-1; Case No.: 98-5248RP

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Florida Retail Federation Self-Insurers Fund vs. Department of Insurance and Treasurer; Rule Nos.: 4-190.030(8),(20), and 4-190.066; Case No.: 98-5324RP; Dismissed

Pinellas County, Florida vs. Southwest Florida Water Management District; Rule Nos.: 40D-2, 40D-4 and 40D-8; Case No.: 98-4968RP; Dismissed

City of Tampa, Florida vs. Southwest Florida Water Management District; Rule Nos.: 40D-2.091, 40D-2.301, 40D-4.091, 40D-8.011, 40D-8.021, 40D-8.031, 40D-8.041, 40D-8.091, 40D-8.603, 40D-8.605, 40D-8.611, 40D-8.613, 40D-8.616, 40D-8.621, 40D-8.624 and 40D-8.626; Case No.: 98-5005RP; Dismissed

**Section IX
Notices 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

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida for and on behalf of the Board of Regents, a public corporation of the State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: BR-101. Project and Location: Southwest Recreation Center Expansion – Phase II at the University of Florida. The project consists of 33,480 gross square feet of strength/conditioning space and gymnasium/special events space to accommodate activities such as basketball, volleyball, badminton, indoor soccer and floor hockey. The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$250,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed Board of Regents “Professional Qualifications Supplement,” dated September 15, 1997. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 4 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize

the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Janie Heidler, Office Assistant, Campus Planning and Construction Management, 232 Stadium, P. O. Box 115050, Gainesville, FL 32611-5050, Telephone (352)392-1256, Fax (352)392-6378, Internet: www.admin.ufl.edu/division/cp

Submittals must be received in the Campus Planning and Construction Management office, Attn: John Thomas McCaffrey, by 3:00 p.m., local time, Friday, March 5, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida on and behalf of the Board of Regents, a public corporation of the State of Florida, announces that construction management services will be required for the project listed below:

Project No.: BR-109, Project and Location: Hall of Fossils, Powell Hall at the University of Florida. The project consists of 4,975 GSF of a state-of-the-art, fully interactive permanent exhibition space and displays for the Hall of Florida Fossils to be constructed in the dedicated exhibit space within the Powell Hall building, for the Florida Museum of Natural History, University of Florida. The estimated construction cost is \$722,625.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager’s contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm’s personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest