

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF INSURANCE**

**Divison of Treasury**

RULE TITLES:	RULE NOS.:
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PURPOSE AND EFFECT: Chapter 4C-4, F.A.C., implements section 215.322, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Acceptance of credit cards, charge cards, or debit cards by state agencies and the judicial branch for certain goods and services.

SPECIFIC AUTHORITY: 215.322(3) FS.

LAW IMPLEMENTED: 215.322(1),(2),(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., March 20, 2001

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Allen, Bureau of Banking, Division of Treasury, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0344, (850)413-2783

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4C-4.001 Purpose.

The purpose of this rule chapter is to specify procedures for the establishment of a credit card, charge card, and debit card operation, and acceptance of credit card, charge card, and debit card payments by state agencies and the judicial branch for

goods, ~~and~~ services, and information and to provide for the availability of the standard contract for use by local governments.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1) FS. History—New 12-22-83, Formerly 4C-4.01, Amended 12-26-88, 1-27-99, \_\_\_\_\_.

4C-4.002 Scope.

These rules govern the acceptance of credit cards, charge cards, and debit cards by state agencies and the judicial branch, and establish procedures for the following functions:

(1) Providing a process for state agencies and the judicial branch to request approval from the Treasurer ~~upon the recommendation of the Office of Planning and Budgeting~~ for credit card, charge card, and debit card acceptance, and procedures for obtaining a recommendation from the State Technology Office when the Internet or other related collection media are used;

(2) Providing a methodology for agencies to complete a cost-benefit analysis;

(3) Utilizing a standardized contract between the financial institution or other appropriate intermediaries service provider and the state agency and judicial branch. The standard contract will be adopted by the Treasurer. ~~The Treasurer may also approve a substitute agreement developed by an agency if the terms of the substitute agreement are acceptable. Although the Treasurer supports the concept of standardization of credit card acceptance within Florida government, the Treasurer may also approve a substitute agreement developed by an agency if the terms of the substitute agreement are superior to the terms of the standardized contract.~~ The standard contract will be available for use by units of local governments;

~~(4)(3)~~ Permitting an agency or officer accepting payment by credit card, charge card, or debit card to impose a convenience fee upon the person making the payment;

~~(5)(4)~~ Submitting information to the Treasurer concerning the acceptance of credit cards, charge cards, or debit cards by all state agencies or the judicial branch.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1),(2),(3) FS. History—New 12-22-83, Formerly 4C-4.02, Amended 12-26-88, 1-27-99, \_\_\_\_\_.

4C-4.003 Definitions.

As used in this rule chapter, the following terms are defined:

~~(1) Service Provider. The entity that processes credit cards, charge cards, and debit cards on behalf of merchants. The service provider also provides the service of authorization, settlement, and reimbursement to merchants for their transactions.~~

~~(2) Discount rate/service fee. A fee charged by the service provider for the service of processing transactions, authorization, settlement, and reimbursement of transactions.~~

~~(1)(3)~~ Financial Institution. A "financial institution" shall mean a qualified public depository as defined in Section 280.02, Florida Statutes.

~~(2)(4)~~ Merchant. Any state agency or the judicial branch that accepts credit cards, charge cards, or debit cards.

~~(3)(5)~~ Card. A credit card, charge card, or debit card that is accepted by a merchant for payment to purchase goods, ~~or~~ services, or information.

~~(4)(6)~~ Convenience Fees. A convenience fee is a fixed rate or variable rate charge assessed by a state agency or the judicial branch to a credit card, debit card or charge card payment to help defray the cost of a unique transaction.

(5) Other Appropriate Intermediaries. Any entity that is contracted to facilitate the processing of credit cards, charge cards, and debit cards payments on behalf of a state agency, the judicial branch, or a unit of local government.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1),(2),(3) FS. History—New 12-22-83, Formerly 4C-4.03, Amended 12-26-88, 1-27-99, \_\_\_\_\_.

4C-4.0035 Procedures for Requesting Approval to Accept Credit Cards, Charge Cards, and Debit Cards.

(1) A state agency or the judicial branch desiring to accept payments by credit card, charge card, or debit card shall submit a written proposal to the State Treasurer Office of Planning and Budgeting. In addition to submission of a written request to accept cards, it is recommended that the requester consult with the ~~Office of Planning and Budgeting~~ and the Treasurer to discuss arrangement of an oral presentation. ~~Upon completion of its review, the Office of Planning and Budgeting will then forward the request with its recommendation to the Treasurer for review and final approval.~~ Each request shall include:

- (a) The type of fees being collected.
- (b) The locations where the card will be accepted.
- (c) The method of acceptance, such as card reader/swipe, Electronic Cash Register/PC, mail, telephone, automated response unit, self service terminal, the Internet, or other.
- (d) The projected annual amount of collections and the projected average transaction amount.
- (e) The projected dollar amount of annual service fees to be paid. Indicate the source of fee payment, e.g., general revenue or specific trust fund.

(2) The justification should include the anticipated economic and other benefits that would accrue to the state, and include:

- (a) Goals and expectations.
- (b) The impact on state revenues and expenditures.
- (c) Effect on the private sector. Describe benefits to the public such as improved customer service and convenience to individuals and businesses.

(d) Summary of expected improvement in labor and operational efficiencies, customer payment compliance, increase in collections, reduction in bad check losses; or bad debts, staffing considerations, current delays in processing

payments, earlier receipt of funds, and increase in sales, e.g., retail, and any other information deemed appropriate by the proposer to explain the request.

(e) Plan for reducing and/or redirecting resources if operational efficiencies are expected.

~~(3) When the Internet or other related electronic methods are to be used as the collection medium the Treasurer will obtain the recommendation of the State Technology Office as to whether to approve the request with regard to the process or procedure to be used. The Office of Planning and Budgeting and the Treasurer will evaluate each request taking into consideration the processing costs, comparison to other payment methods, economic, and other benefits. The Treasurer's approval will be contingent upon a positive recommendation of the Office of Planning and Budgeting.~~

~~(4) The Office of Planning and Budgeting and the Treasurer will each have a 10 working day period to complete their respective reviews. Depending upon the complexity of the proposal, additional information may be requested. If the documentation accompanying the request is incomplete or additional information is necessary for the review, the 10 working day evaluation period will be suspended and the request will be on "pending until receipt of further information" status.~~

(4)(5) An application package to request approval to accept credit cards, charge cards, and debit cards may be obtained by contacting the Bureau of Banking, Division of Treasury Governor's Office of Planning and Budgeting, The Capitol, Tallahassee, Florida. Requests may be made by electronic mail.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1),(2),(3) FS. History—New 1-27-99, Amended \_\_\_\_\_.

4C-4.004 Standard Contracts with Credit Card Service Providers.

(1) The standard contract, which is hereby adopted and incorporated by reference, established by the Treasurer with a service provider, specifies requirements for operation of an electronic credit card, charge card, and debit card processing system. The mechanisms and systems enable state agencies, the judicial branch, and local governments to accept and process merchant transactions, provide prompt authorizations, and deliver collected funds to the designated bank account of a financial institution. Contractual arrangements with the standard contract service provider are made by completing a Subscription Agreement and Information Profile Form.

(2) A state agency or the judicial branch must use the standard contract established by the Treasurer for acceptance of payments by credit card, charge card, or debit card, or obtain authorization from the Treasurer to use another contractor. If an alternative contractor is desired, the state agency or judicial branch should present justification to the Treasurer as to why the standard contract is not acceptable and receive approval from the Treasurer before seeking an alternative contractor. Or,



who seek to provide professional services to contract with the Department pursuant to Sections 287.055, 337.107, and 337.1075, Florida Statutes.

(2) The provisions of Rule 28-106.103, F.A.C., will be used in computing any period of time prescribed by this rule chapter.

(3) Application for Qualification.

(a) ~~A Professional Consultants or their related firms~~ who desires to ~~qualify obtain qualifications~~ with the Department shall submit a Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. 09/00 05/96. ~~A Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. 05/96, incorporated herein, which~~ may be obtained from the Contractual Services Office, MS 20, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450, ~~or from the Department's web page at www.dot.state.fl.us or from the Office of Right of Way, MS 22, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450.~~

(b) ~~Professional Consultants Complete applications for qualifications for those consultants~~ who are not prequalified at the time of advertisement for a consultant project must ~~file with be received by~~ the Department a complete Request for Qualification Package on or before the project's advertised ~~Letter of r~~Response date. ~~Prequalified consultants who lack technical qualification in a project's advertised major types of work may supplement their technical qualifications by relying on the services of other consultants who are technically qualified in the subject type of work, and have an approved accounting system. The cost of such services may not exceed \$250,000, unless the other consultant is fully prequalified. The Department will not be obligated to delay any part of the consultant selection process or the execution of a contract, for a consultant who has not been qualified.~~

(4) Procedure.

(a) Within 30 days after receipt of a completed Request for Qualification Package, the Department shall examine the application and notify the applicant in writing of any apparent errors or omissions, and request any additional information required by the Department to properly evaluate the application. The applicant shall submit any requested information to the Department within 30 days of receipt of the Department's request for such information. The Department shall process the application within 30 days after receipt of the requested additional information or correction of apparent errors or omissions. If the information is not provided within 30 days after receipt of the request, the application shall be processed with the information provided available.

(b) Upon receipt of a complete application, ~~t~~The Department shall ~~will~~ make such inquiries and investigations as deemed necessary to verify and evaluate the applicant's statements and determine competency for qualification.

(c) Information Factors which the Department shall consider in determining whether a consultant is qualified to perform the technical qualifications by types of work shall include:

1. Current license or registration as regulated by the State of Florida or national organizations, as appropriate;:-

2. Personnel with appropriate experience and training as detailed in the type of work qualifications;:-

3. Registration with the Florida Secretary of State, if the applicant is a corporation or limited partnership;

~~4.3. History of current suspension for failure to maintain adequate due to Department's type of work performance grades with the Department in specified types of work;:-~~

~~5.4. Integrity and responsibility, which shall include including but not limited to history of debarment or suspension from consideration for work with any other governmental entity.~~

~~6.5. History of conviction for contract crime pursuant to Section 337.165, Florida Statutes, and Rule 14-75.0071, F.A.C., by the applicant or its affiliate, including reapplication or reinstatement under Rule 14-75.0071.~~

~~7.6. Employment of, or otherwise providing compensation to, any employee or officer of the Department.~~

~~8.7. Willfully offering an employee or officer of the Department any pecuniary or other benefit with the intent to influence the employee or officer's official action or judgment.~~

~~(d) Factors which the Department shall consider in determining consultant administrative qualifications shall include the above technical factors and the following:~~

9. An audit report prepared by an independent Certified Public Accountant or governmental agency. The audit report will be no more than six months old and will include the following:

~~a.1. A statement indicating the eExistence of an adequate accounting system that meets the Department's audit requirements, as evidenced by certification by an independent Certified Public Accountant or governmental agency. The system must be adequate to support all billings made to the Department and other clients. The requirement for having an accounting system meeting the Department's audit standards becomes effective at the beginning of each consultant's fiscal year which begins on or after July 1, 1997, for the following types of work: 20.1 Appraisal, 20.2 Appraisal Review, 22 Acquisition Business Damage Estimating and Review, 24 Acquisition Relocation Assistance, and 25 Right of Way Clearing and Leasing.~~

b. An overhead statement and overhead rate for the most recently completed fiscal year.

c. A statement that the consultant's method of estimating costs for proposals is consistent with the accounting system.

d. A statement that the audit was performed in accordance with the criteria required by the Department and applicable generally accepted governmental auditing standards. Criteria

will include compliance with the Department's *Overhead Audit Guidelines*, 2000, and the *Government Audit Guidelines*, Rev. July 1999, published by the U.S. Government Printing Office.

~~2. Submittal of an annual overhead audit for the most recently completed fiscal year performed by an independent Certified Public Accountant or governmental agency.~~

~~10. Consultants who have been in business for less than one complete fiscal year, consultants who have reorganized to the extent that the most recent overhead audit does not reflect a currently valid overhead rate, and consultants who have established and operated an accounting system in accordance with the minimum standards provided in the Department's *Overhead Audit Guidelines Auditing Standards*, 2000 1995, for a period of less than one year, will prepare a projected overhead rate which will be supported by estimated revenues and expenditures for the first fiscal year's operations since organization, reorganization, or implementation of the acceptable accounting system. The Department's Office of Inspector General Internal Audit Section shall review the estimate and establish a provisional combined overhead rate, which may be used in Department contracts until the firm has completed its first fiscal year of operation, at which time the firm shall submit an annual overhead audit performed by an independent Certified Public Accountant or governmental agency. The requirement for the submittal of an annual overhead audit becomes effective at the end of each consultant's fiscal year which begins on or after July 1, 1997, for the following types of work: 20.1 Appraisal, 20.2 Appraisal Review, 22 Acquisition Business Damage Estimating and Review, 24 Acquisition Relocation Assistance, 25 Right of Way Clearing and Leasing. For consultants qualifying solely in type of work 22 Acquisition Business Damage Estimating and Review, an overhead statement certified by a principal will be accepted in lieu of an independent audit.~~

~~a. The audit report shall include statements that the audit was performed in accordance with the criteria required by the Department and applicable generally accepted governmental auditing standards. Criteria shall include compliance with the Department's *Overhead Audit Guidelines*, 1995, and the *Government Auditing Standards*, 1994 [GAO/OCG 94-4] published by the U.S. General Accounting Office, which are incorporated herein by reference.~~

~~b. The audit report shall describe the consultant's estimating system and state whether estimates are prepared in accordance with the accounting system.~~

~~e. The Department reserves the right to perform overhead audits of any consultant under contract to, or desiring to do business with, the Department. These audits will be conducted consistent with the criteria outlined above.~~

11. Consultants requesting qualification for minor projects only, with contract fees under \$250,000, or consultants qualifying solely as certified public accountants, may submit a

self-certified overhead report and statement describing their accounting system, certified by a principal, in lieu of an audit report and accounting system certification prepared by an independent CPA or governmental agency. Such a report will be in a format prescribed by the Department. The requirements for an overhead audit and accounting system report will be waived for consultants requesting qualification for projects with contract fees under \$250,000 only, and who are individuals or sole proprietorships without employees.

~~12.3. Submittal of Proof of professional liability insurance by one of the following methods:~~

~~a. Submittal of a current certificate of professional liability insurance from a company or companies authorized to do business in Florida; or an unequivocal commitment letter from such an insurance company stating that professional liability insurance would be provided to the applicant; or~~

~~b. Submittal of a commitment letter from a financial institution meeting the requirements of Section 337.106, Florida Statutes, stating that a nonassignable and nontransferable irrevocable letter of credit, established pursuant to Chapter 675 and Section 337.106, Florida Statutes, and Rule Chapter 14-116, F.A.C., can be provided to the applicant in a minimum amount of \$250,000.~~

~~4. Approval of the consultant's annual overhead audit, accounting system, and professional liability insurance in addition to all other technical and administrative requirements enables the consultant to contract with the Department in any amount. The Department may contract with a consultant lacking an approved overhead audit if:~~

~~a. The value of the contract is less than \$250,000;~~

~~b. The consultant can adequately document and support all proposed costs;~~

~~e. All other qualification requirements are met.~~

~~(d)(e) If the Department intends to deny the application, or deny qualification for any type of work, the Department shall state in writing and with particularity the grounds or reasons for the denial, and shall inform the applicant of the right to a hearing pursuant to Section 120.57, Florida Statutes. notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. Delivery of the Notice of Intent to Deny shall be made by certified mail or express delivery, return receipt, to the address listed in the applicant's application for qualification. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, 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 28-106.111, F.A.C.~~

(5) Period of Validity of Qualification. Should the applicant be found to possess the prescribed qualification, the consultant will be randomly assigned an expiration date, by which qualification must be renewed annually. The Notice of

Qualification shall be valid for a period not to exceed 12 months from the date of issuance of the Notice of Qualification. The qualification anniversary date shall be within 180 days after the Consultant's Fiscal Year ends.

(6) Changes in Qualification Status.

(a) A consultant shall submit a revised application in the event a ~~significant~~ change in the status of its firm occurs; including a change of ownership, a change in the form of the business entity under which the firm operates, a substantial change in manpower which affects the firm's qualifications to perform any type of work, or any other change which ~~adversely~~ affects an element the Department considers under Rule 14-75.0022 when initially qualifying consultants. A revised application may be the basis for notice of agency action under Rule 14-75.0051.

(b) A consultant need not submit a revised application solely because of any change in the officers or the name of a corporation, but such information shall be certified to the Department within ten days of its occurrence.

(7) ~~A consultant may apply for qualification up to three months prior to the expiration of an existing qualification. Annual Renewals. To remain qualified, a consultant must apply for annual renewal between the 60th calendar day and the 30th calendar day prior to its qualification anniversary date. A complete application for qualification shall not be submitted unless changes as indicated in paragraph 14-75.0022(4)(a) have occurred. In lieu of a complete application for qualification, the consultant shall submit the following:~~

(a) A statement that the employees who were used to qualify the firm for the previous year are still employed by the firm;

(b) ~~A current overhead audit covering the consultant's most recently completed fiscal year. Such fiscal year shall have been closed not more than 150 calendar days prior to submission. The audit must be approved prior to renewal; and~~

(c) ~~Proof of current professional liability insurance (as described in paragraph 14-75.0022(2)(b)10.).~~

Specific Authority 287.055, 334.044(2), 337.105(~~4~~), 337.107, 337.1075 FS. Law Implemented 287.055, 337.167 FS. History--New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 8-5-96, 1-17-99, \_\_\_\_\_.

14-75.003 Minimum Technical Qualification Standards by Type of Work.

The following criteria apply to the qualification of professional consultants:

(1) ~~Any corporation or limited partnership requesting qualification with the Department must be duly authorized to conduct business in the State of Florida and registered accordingly with the Secretary of State.~~

(2) ~~If the practice of work described by a type of work is governed by the Department of Business and Professional Regulation, the individual, firm, and employees thereof whose credentials are presented to establish qualification to perform such work on Department projects must be registered with the~~

governing board designated for the profession by the State and shall have all appropriate licenses and registrations required by Florida law.

(1)(~~3~~) No professional or key personnel may be listed as employees of more than one consultant currently qualified with the Department. If a newly listed employee has been employed by a consultant currently qualified with the Department, within the 12 months immediately preceding the application, the application must so indicate and provide the date that such employee was hired by the consultant. The employee shall be deleted from the personnel list of the previous employer's firm, and if such deletion affects the qualification status of the previous employer, notice shall be given to said previous employer pursuant to Rule 14-75.0051.

(2)(~~4~~) The Department shall not recognize joint ventures for purposes of ~~annually~~ qualifying consultants to ~~do~~ work for the Department. Each individual or firm will be annually qualified based upon individual or firm capability.

(3)(~~5~~) Appropriate type of work codes will be included in each public notice regarding needed professional services in the Florida Administrative Weekly. Persons or firms responding to such notices must be qualified with the Department in the advertised types of work, meet the minimum experience and personnel requirements listed herein unless otherwise specified in the notice. Subconsultants qualified with the Department may be used to meet these requirements, where appropriate, so long as the responding consultant is also qualified with the Department in some standard type of work.

(4)(~~6~~) All personnel listed by the consultant in order to qualify for any type of work or sub-category must be bona fide employees of the firm, or under exclusive contract to the firm, must be actively engaged in the type of work for which they are listed, and must have work experience ~~clearly~~ demonstrating an ability to perform the activities normally associated with the particular type of work or sub-category for which qualification is sought. The Department must be notified within 10 days of the departure from the firm of personnel used to prequalify the firm in any type of work.

(5)(~~7~~) ~~Qualification may be sought in any of the following categories or sub-categories:~~ A determination of qualification will be based on information submitted with the application, including résumés; verification of professional registration, certification, and degree requirements where appropriate; and a check of references as needed. Additionally, the Department may require the consultant to submit examples of recently completed work performed by the personnel listed in the application to qualify the applicant to perform the indicated activities. Qualification may be sought in any of the following categories or sub-categories:

(a) ~~Group 1. Reserved.~~

(a)(~~b~~) Group 2. Project Development and Environmental (PD&E) Studies.

1. Type of Work. This ~~type of work group~~ involves the study and evaluation of the social, economic, and environmental effects on the human and natural environment by transportation systems and alternate transportation modes in meeting identified community transportation and growth needs. Such work also includes the evaluation of alternate transportation corridors, and location/design alternatives within viable corridors. The work involves preparing engineering studies to address the economic and engineering feasibility of alternatives, level of service, traffic capacity, geometrics, soils, structures, intersection and interchange improvements, etc., to accommodate travel demand at an acceptable level of service. Additionally, the work entails the detailed study and preparation of environmental reports and documents which evaluate the physical, natural, social, cultural, economic, and human impacts of the alternatives under consideration upon the adjacent community. Public involvement and interagency coordination are integral parts of the assessment process. Potential mitigations identified based on the studies and public involvement are evaluated and incorporated into the alternatives as appropriate.

2. Qualification Requirements. Group 2: Project Development and Environmental (PD&E) Studies. This ~~type of work group~~ requires a professional engineer, registered with the Florida State Board of Professional Engineers, having a background or experience in civil engineering, including roadway design, proficiency in environmental engineering and experience ~~in or education in social, economic or environmental impact assessment of transportation projects, involving especially highway projects including experience with public involvement issues; a natural scientist person with a four-year university or college degree and experience in a natural science such as ecology, biology, environmental science, or wildlife management, or geology; and a social scientist person with a four-year university or college degree and experience in a social science such as psychology, sociology, statistics, political science, geography, urban planning demographics, archeology, or economics.~~

~~(b)(e)~~ Group 3. Highway Design – Roadway. This ~~type of work group involves is defined as the production and/or review of competently engineered highway plans, related design studies, creative utilization of roadsides, and the accommodation of utilities and utility crossings (where appropriate), which conform with acceptable design standards and which meet the specific requirements of the Florida Department of Transportation or the Federal Highway Administration. Due to the broad nature of this type of work, the Department has developed the following sub-categories. Consultants may be restricted to certain of these sub-categories based on the consultant's level of experience.~~

1. This group includes the following sub-categories of qualification:

~~a. Type of Work 3.1: 1. Group 3.1: Minor Highway Design. This type of work group includes roadway design for small and/or rural projects; repair, resurfacing, and rehabilitation projects which do not involve major reconstruction or substantial capacity improvements; and as well as associated activities, such as drainage, utility relocation, minor traffic operations improvements, miscellaneous minor design services, etc.~~

~~b. Type of Work 3.2: 2. Group 3.2: Major Highway Design. This type of work group includes roadway design for urban arterial highways with curb and gutter, including the design of enclosed drainage systems. This type of work may include utility relocation plans, stormwater permits, maintenance of traffic plans, traffic engineering applications, etc.~~

~~c. Type of Work 3.3: 3. Group 3.3: Complex Highway Design. This type of work group is applicable to expressways, limited access facilities, interchanges, and interstate highways. This type of work includes all types of new roadway and reconstruction work on complex projects, including the use of complex geometrics, substantial drainage evaluation and design features, traffic engineering applications, utility relocation plans, and maintenance of traffic plans, etc.~~

2.4. Qualification Requirements.

~~a. Type of Work 3.1: Group 3.1: Minor Highway Design. This type of work group requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having proficiency in civil engineering and demonstrated plans, production, and design experience in the activities normally associated with this category. Sufficient production staff to perform these activities must also be shown.~~

~~b. Types of Work 3.2 and 3.3: Groups 3.2 and 3.3: Major Highway Design and Complex Highway Design. These types of work groups require at least two professional engineers, registered with the Florida State Board of Professional Engineers, having proficiency in civil engineering and demonstrated plans, production, and design experience in the activities normally associated with the category. Sufficient production staff to perform these activities must also be shown.~~

~~(c)(d)~~ Group 4. Highway Design – Bridges. This ~~type of work group involves is defined as the production and/or review of competently engineered bridge plans which conform with acceptable design standards and which meet the specific requirements of the Florida Department of Transportation or the Federal Highway Administration. Due to the broad nature of this type of work the Department has developed the following sub-categories. Consultants may be restricted to certain of these sub-categories based on the consultant's level of experience. The intent is to assure that a proper level of professional involvement is available for the responsible, expeditious, and accurate development of bridge plans with minimal participation by Department personnel.~~

1. This group includes the following sub-categories of qualification:

a. ~~Type of Work 4.1: 1- Group 4.1: Minor Bridge Design.~~ This ~~type of work group~~ includes the design of conventional, non-complex bridges and the structural design of other highway-related structures such as non-standard concrete box culverts and retaining walls. Generally, this group is limited to designs utilizing conventional foundation types, simple geometry, and having total estimated bridge(s) plan area(s) no greater than 100,000 square feet (sum of the areas of multiple bridges). Typically, this includes design for the construction, rehabilitation, widening, or lengthening of box culverts, retaining walls, cast-in-place or precast prestressed short span slab type bridges, simple span prestressed concrete beam bridges, and simple span I-beam bridges. Generally, the following type of designs are included:

- ~~a. Box culverts.~~
- ~~b. Retaining walls.~~
- ~~c. Cast in place or precast prestressed short span slab type bridges.~~
- ~~d. Simple span prestressed concrete beam bridges.~~
- ~~e. Simple span steel I-beam bridges.~~
- ~~f. Rehabilitation, widening or lengthening of any of the above bridges.~~

b. ~~Type of Work 4.2: 2- Group 4.2: Major Bridge Design.~~ This ~~type of work group~~ includes the design of structures that cannot be included in Type of Work Group 4.1 because of deck area or complex geometry (curvature, skew, or variable width), complexity of design (including bridges with statically indeterminate superstructure components) spans estimated to be less than 300 feet, non-conventional substructures, substructures requiring ship impact design, and railroad bridges. Typically, this includes design for the construction, rehabilitation, widening, or lengthening of bridges over navigable waters, bridges carrying rail traffic, steel box girders, structurally-continuous superstructures, longitudinally post-tensioned concrete bridges, and curved girder bridges. Generally, the following type of designs are included:

- ~~a. Bridges over navigable waters.~~
- ~~b. Bridges carrying rail traffic.~~
- ~~c. Steel box girders.~~
- ~~d. Structurally-continuous superstructures.~~
- ~~e. Longitudinally post-tensioned concrete bridges.~~
- ~~f. Curved girder bridges.~~
- ~~g. Rehabilitation, widening or lengthening of any of the above bridges.~~

c. ~~Type of Work 4.3: 3- Group 4.3: Complex Bridge Design.~~ This ~~type of work group~~ includes the design of unique, specialized, and uncommon types of designs as determined by the ~~Florida Department of Transportation.~~ Typically, this includes design for the construction, rehabilitation, widening, or lengthening of bridges with estimated span(s) longer than

300 feet, tunnels, cable-stayed bridges, suspension bridges, steel truss spans, concrete arch bridges, and bridges requiring unique analytical methods or other design features not commonly addressed in AASHTO publications. Generally, the following type of designs are included:

- ~~a. Bridges with estimated span(s) longer than 300 feet.~~
- ~~b. Tunnels.~~
- ~~c. Cable-stayed bridges.~~
- ~~d. Suspension bridges.~~
- ~~e. Steel truss spans.~~
- ~~f. Concrete arch bridges.~~
- ~~g. Bridges requiring unique analytical methods or other design features not commonly addressed in AASHTO publications.~~
- ~~h. Rehabilitation, widening or lengthening of any of the above bridges.~~

d. ~~Type of Work 4.4: 4- Group 4.4: Movable Span Bridge Design.~~ This ~~type of work group~~ includes the design of bascule bridges and other movable bridges. The work includes all structural, electrical, and mechanical requirements. Typically, this includes design for the construction, rehabilitation, widening, or lengthening of bascule bridges, swing bridges, and vertical lift bridges. Generally, the following type of designs are included:

- ~~a. Bascule bridges.~~
- ~~b. Swing bridges.~~
- ~~c. Vertical lift bridges.~~
- ~~d. Rehabilitation or widening of any of the above bridges.~~

#### 2.5: Qualification Requirements.

a. ~~Type of Work 4.1: Group 4.1: Minor Bridge Design.~~ This type of work requires ~~The consultant must have~~ at least one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years structural bridge design experience; and two structural design engineers/technicians having a minimum of three years each of bridge design experience; ~~and a sufficient number of experienced drafting/technical support staff.~~ The professional engineer shall be responsible for quality assurance of all the design services.

b. ~~Type of Work 4.2: Group 4.2: Major Bridge Design.~~ This type of work requires ~~The consultant must have~~ at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of structural bridge design experience in continuous span bridges (steel plate girder and box girder), post-tensioned continuous concrete spans, and foundations subject to significant lateral loads; and three or more structural design engineers/technicians having a minimum of three years each of bridge design experience; ~~and a sufficient number of experienced drafting/technical support staff.~~ The professional

engineers shall be responsible for the quality assurance of all the design services. ~~A firm qualified to do this type of work is automatically qualified to do Minor Bridge Design.~~

~~c. Type of Work 4.3: Group 4.3: Complex Bridge Design. This type of work requires The consultant must have at least three professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of structural bridge design experience in categories as listed in Major Bridge Design, as well as spans estimated to be greater than 300 feet consisting of steel truss or arch, or steel or concrete cable-stayed and suspension type structures; and four or more structural design engineers/technicians having a minimum of three years each of bridge design experience, and a sufficient number of experienced drafting/technical support staff. The professional engineers shall be responsible for the quality assurance of all the design services. A firm qualified to do this type of work is automatically qualified to do Minor and Major Bridge Design.~~

~~d. Type of Work 4.4: Group 4.4: Movable Span Bridge Design. This type of work requires The consultant must have at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of movable span bridge structural design experience; and also employ one or more professional engineers, registered with the Florida State Board of Professional Engineers, having appropriate experience in electrical power distribution; controls systems; hydraulic drive and control systems; and mechanical gearing, mechanism, and machinery.~~

~~(d)(e) Group 5. Bridge Inspection. This type of work group is defined as the on-site inspection, load rating, and preparation of bridge inspection reports in accordance with approved federal and state statutes, policies, guidelines, and standards. Due to the broad nature of this type of work, the Department has developed the following sub-categories. Consultants may be restricted to certain sub-categories based on the level of experience of their professional engineers, certified bridge inspectors and support personnel. Availability of required equipment will also be considered, along with level of experience in evaluating qualification.~~

~~1. This group includes the following sub-categories of qualification:~~

~~a. Type of Work 5.1: 1. Group 5.1: Conventional Bridge Inspection. This type of work sub-category includes inspection and load rating of all types of bridges except movable bridges, box girders, bulb-tees, suspension, cable stayed, post-tensioned segmental concrete, large steel trusses, high-rise structures, and other complex bridge structures.~~

~~b. Type of Work 5.2: 2. Group 5.2: Movable Bridge Inspection. This type of work sub-category includes inspection and load rating of all types of movable structures (vertical lift,~~

swing span, and bascule), utilizing specialty skills in inspection, load rating, and design of mechanical and electrical equipment.

~~c. Type of Work 5.3: 3. Group 5.3: Complex Bridge Inspection. This type of work sub-category includes inspection and load rating of all complex bridges except the movable bridges. Typical types of structures will include box girders, bulb-tees, suspension, cable stayed, post-tensioned segmental concrete, high-rise structures, and large steel trusses.~~

~~d. Type of Work 5.4: Bridge Load Rating. This type of work involves the process of determining the live load capacity of a structure.~~

~~2.4. Qualification Requirements. Types of work Groups 5.1, 5.2, 5.3, and 5.4: Bridge Inspection. This type of work requires The consultant must have at least one professional engineer registered with the Florida State Board of Professional Engineers, having experience appropriate to the sub-category requested. The consultant must also employ and list sufficient certified bridge inspectors, divers, and other technical personnel as required to perform the activities normally associated with each sub-category.~~

~~(e)(f) Group 6. Traffic Engineering and Operations Studies. This type of work group includes is defined as the performance of studies of existing traffic problems within an urban area; and the determination of the most effective way to improve traffic flow and safety through the application of traffic engineering techniques and other corrective measures. It includes street and signal inventories; intersection and crossing diagrams; highway lighting information at nighttime high accident locations; and analysis of accident reports, traffic counts, travel times, parking practices, and laws and ordinances affecting transportation. This type of work group is limited to generalized description and schematic layouts of the proposed improvements, including right of way requirements, and generally does not include the preparation of construction plans and the writing of specifications for traffic system projects. Due to the broad nature of this type of work the Department has developed the following sub-categories. Consultants may be restricted to certain of these sub-categories based on the consultant's level of experience.~~

~~1. This group includes the following sub-categories of qualification:~~

~~a. Type of Work 6.1: 1. Group 6.1: Traffic Engineering Studies. This type category of work is defined as the study of operational problems and the determination of traffic operational improvements for efficiency and safety. This work group includes studies for the following: signing, marking, and signal inventories; traffic counts; intersection and collision diagrams; signal warrant and intersection analysis; and travel time and delay studies. Many of the traffic engineering studies require knowledge and experience with traffic engineering computer programs such as SOAP, PASSER, and TRANSYT.~~

This type of work group requires the consultant to make specific recommendations to improve the operational efficiency at a particular location.

b. Type of Work 6.2: 2-Group 6.2: Traffic Signal Timing.

This type category of work is defined as the timing of traffic signals to improve traffic flow and safety. Department approved traffic engineering computerized timing programs shall be used. This type of work includes data collection, intersection analysis and documentation, section analysis and documentation, timing implementation and fine tuning, and timing evaluation.

c. Type of Work 6.3: 3-Group 6.3: Intelligent Transportation Traffic Control Systems Analysis, Design, and Implementation. This type category of work is defined as the use of electrical engineering, electronics engineering, computer science, and traffic engineering to analyze, design, and implement real-time intelligent transportation traffic control systems. This includes system performance and cost analysis, system hardware and software design, development of management plans, system installation and operation, system testing and debugging, system documentation, and the training of operations personnel.

2.4. Qualification Requirements.

a. Type of Work 6.1: Group 6.1: Traffic Engineering Studies. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having demonstrated traffic studies experience.

b. Type of Work 6.2: Group 6.2: Traffic Signal Timing. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having demonstrated traffic signal timing experience in the application and interpretation of traffic flow and signal timing models. ~~The consultant also must employ and list sufficient personnel having experience using traffic engineering software applications, loading timings into field equipment, and loading databases into central computers for retiming.~~

c. Type of Work 6.3: Group 6.3: Intelligent Transportation Traffic Control Systems Analysis, Design and Implementation. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having demonstrated experience in activities associated with intelligent transportation traffic control systems. Restrictions to the type of intelligent transportation traffic control systems work may apply depending on the consultant's demonstrated proficiency or documented experience in one or more of the following defined technical skill areas:

(I) Intelligent Transportation Traffic Systems Analysis and Design. This type of work requires ~~Engineering/Technical staff with~~ experience in the production of competently engineered design, and preparation of construction plans and specifications for traffic control systems, freeway operations systems, dynamic message sign systems, closed circuit television camera systems, detection systems, and automatic

vehicle identification systems work. The consultant must also demonstrate experience with traffic engineering software applications, freeway control software, and ~~with~~ computerized timing programs.

(II) Intelligent Transportation Traffic Engineering Systems Implementation. This type of work requires ~~Engineering/Technical staff having~~ documented experience with realtime traffic control systems, system installation and testing, and knowledge of Construction Engineering Inspection (CEI) requirements for intelligent transportation signal construction projects.

(III) Intelligent Transportation Traffic Engineering Systems Communications. This type of work requires ~~Engineering/Technical staff with~~ documented experience proficiency in electronic engineering of system hardware, digital system design, specifications, and utilization. The applicant must show experience in electrical engineering of power and communications, including power distribution, standby power supply, lightning protection, hardware interconnect, fiber optic networks, wireless communications networks, local area networks, wide area networks, Internet communications, data recording, data transmission, modulating, and multiplexing techniques.

(IV) Intelligent Transportation Traffic Engineering Systems Software Development. This type of work requires documented experience in software development, specifically with intelligent transportation systems traffic engineering applications, and computer science (realtime process control software systems, including realtime executive I/O processing and priority interrupt based processing). The applicant must also show experience with system software testing and debugging, data base software, graphical user interfaces, system documentation, and training of operations personnel.

~~(f)(g) Group 7. Traffic Operations Design.~~ This type of work group is defined as the production of competently engineered designs, and preparation of construction plans and/or specifications for a variety of traffic operations type work. ~~Due to the broad nature of this type of work the Department has developed the following sub-categories. Applicants may be qualified only in certain of these sub-categories based on the applicant's level of experience.~~

a. Type of Work 7.1: 1-Group 7.1: Signing, Pavement Marking, and Channelization. This type of work includes designing, preparing construction plans, and writing specifications for signing, pavement marking, and channelization. Such work involves structural support and foundation calculations, and requires a basic knowledge of traffic engineering studies.

b. Type of Work 7.2: 2-Group 7.2: Lighting. This type of work includes designing, preparing construction plans, and writing specifications for roadway lighting improvements. Such work involves lighting calculations, ~~and~~ pole location,

foundation design, electrical circuit calculations, power supply and power distribution, and requires a basic knowledge of traffic engineering studies.

c. Type of Work 7.3: ~~Group 7.3:~~ Signalization. This type of work includes designing, preparing construction plans, and writing specifications for traffic signalization. Such work involves capacity calculations, signal operating plan development, timing calculations, equipment location, pole and foundation designs, etc., and requires a basic knowledge of traffic engineering studies and traffic signal retiming.

#### 2.4. Qualification Requirements.

a. Type of Work 7.1: ~~Group 7.1:~~ Signing, Pavement Marking, and Channelization. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having demonstrated experience in this category of work.

b. Type of Work 7.2: ~~Group 7.2:~~ Lighting. This type of work requires the consultant to demonstrate experience in the areas of illumination and electrical engineering, as well as to employ a professional engineer, registered with the Florida State Board of Professional Engineers, having demonstrated lighting plans design and production experience.

c. Type of Work 7.3: ~~Group 7.3:~~ Signalization. This type of work requires the consultant to demonstrate experience in the area of electrical engineering, as well as to employ a professional engineer, registered with the Florida State Board of Professional Engineers, having demonstrated experience in the design and production of traffic signalization plans.

(g)(h) Group 8. ~~Surveying and Mapping Surveys.~~ This type of work group includes land and boundary surveying and mapping, as defined in Rule Chapter 61G17-6, F.A.C., other types of surveys required for the land acquisition, design, and construction of transportation engineering projects.

1. This group includes the following sub-categories of qualification:

a. Type of Work 8.1: Control Surveying. This type of work provides horizontal and/or vertical data to a specified standard for all Department projects.

b. Type of Work 8.2: Design, Right of Way, and Construction Surveying. This type of work includes boundary surveys, right of way surveys, as-built surveys, construction layout surveys, topographic surveys, hydrographic surveys, quantity surveys, record surveys, mean high water line surveys, and special purpose surveys.

c. Type of Work 8.3: Photogrammetric Mapping. This type of work includes surveys and the preparation of maps using photogrammetric methods.

d. Type of Work 8.4: Right of Way Mapping. This type of work includes the production of right of way related maps, as well as the preparation of legal descriptions and sketches of legal descriptions based on information supported by the applicable surveys or maps defined in the preceding types of work, title searches, and other documents.

2. Qualification Requirements: To qualify to perform surveying and mapping services as defined above, the consultant must employ at least one professional surveyor and mapper, registered with the Florida Board of Professional Surveyors and Mappers, having at least one year of documented post registration experience in the specific type of work for which qualification is requested. The consultant must also employ at least two additional technical personnel, each having at least one year of documented experience in the specific type of work for which qualification is requested. In addition, the consultant must submit a written statement of intent to use equipment and software meeting the accuracy, formatting, and other requirements defined in Department policies, procedures, manuals, or handbooks, related to the type(s) of work for which qualification is sought.

1. Group 8.1: Land and Right of Way Survey. This type of work includes determining the perimeter of a parcel or tract of land by establishing or reestablishing corners, monuments, and boundary lines for the purpose of describing, locating fixed improvements; platting or subdividing a parcel; and surveying of a strip or area of land used or proposed to be used for the construction and maintenance of a transportation facility.

2. Group 8.2: Design survey. This type of work includes preparing control surveys providing horizontal or vertical position data for the support or control of subordinate surveys or for mapping; construction layout surveys for measurements to control elevation, horizontal position and dimensions and configuration prior to or while construction is in progress; topographic surveys of the natural and selected man-made features of a part of the earth's surface by remote sensing and/or ground measurements to determine horizontal and vertical spacial relations of tracts of land; or hydrographic surveys to determine data relating to bodies of water which may consist of the determination of depth of water and configuration of the bottom at particular points; directions and force of current; heights, times and water stages; and location of fixed objects for survey and navigation purposes.

3. Qualification Requirements. Groups 8.1 and 8.2: Surveys. This group requires at least one land surveyor, registered with the Florida State Board of Land Surveyors, having at least one year of land surveying experience acting in responsible charge. The consultant must employ and list sufficient staff to undertake the requirements normally associated with this type of work, and must document the availability of proper equipment to perform this work.

(h)(i) Group 9. Soil Exploration, Material Testing, and Foundations. Due to the broad nature of this type of work, the Department has developed the following sub-categories. Consultants may be restricted to certain of these sub-categories based on their level of experience and ability to provide required equipment.

1. This group includes the following sub-categories of qualification:

a. Type of Work 9.1: ~~1. Group 9.1:~~ Soil Exploration. This type of work includes acquisition and reporting of subsurface material, hydrological, and environmental information to be used for the planning, design, construction, and performance of transportation facilities. The methodology involved includes on-site investigations by performing borings, Standard Penetration tests, Cone Penetration tests, and rock coring; the use of specialized test equipment, such as the field vane, pressuremeter, or dilatometer; and the use of geophysical methods. Also included is the field classification of materials and acquisition of soil and rock samples.

b. Type of Work 9.2: ~~2. Group 9.2:~~ Geotechnical Classification Lab ~~Exploration~~ Testing. This type of work includes conducting tests on soil and rock according to Department approved specifications for the purpose of classifying materials and identifying their physical properties. The methodology involved includes testing moisture content, grain size, Atterberg limits, compaction, and Limerock Bearing Ratio (LBR) tests permeability, consolidation, unconfined compression, direct shear, and triaxial.

c. Type of Work 9.3: ~~3. Group 9.3:~~ Highway Materials Testing. This type of work includes sampling and testing various materials and reporting results and recommendations. Work will be performed at mines, quarries, mills, refineries, processors, producers, fabricators, constructors, laboratories, and project construction sites; some of which will be outside the State of Florida. Materials to be tested include, ~~but are not limited to~~, aggregates; concrete products; cements and additives, including water, epoxies, and curing compounds; bituminous materials, mixtures, additives, and joint fillers; metals; galvanizing, rubber, paints, and other coatings; and soils and limerock.

d. Type of Work 9.4: ~~4. Group 9.4:~~ Foundation Studies. This type of work includes producing reports which include selection of the type (footings, piles, drilled shafts, etc.) and depth of foundation for bridges and other structures; bearing capacity and the predicted settlement of the selected foundation; slope stability; surcharge or stage construction time schedules for construction over soft ground; pile load tests; soil treatment; stabilization; and direction of field instrumentation installation, including the interpretation of data obtained and other foundation studies using the applicable FDOT Standard Specifications for Road and Bridge Construction, FDOT Soils and Foundation Manual procedures, and Federal Highway Administration guidelines and checklist.

e. Type of Work 9.5: Geotechnical Specialty Lab Testing. This type of work includes conducting tests on soil and rock according to Department approved specifications for the purpose of identifying their physical properties. The methodology involved includes testing permeability, consolidation, unconfined compression, direct shear, splitting tensile, and triaxial.

2.5. Qualification Requirements. ~~a.~~ For all sub-categories this work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having demonstrated experience in the activities normally associated with the category(ies) under consideration.

a. Type of Work 9.1: ~~b. Group 9.1:~~ Soil Exploration. The consultant must document the availability of equipment (in-house or subcontracted) necessary to perform the work. Documentation of availability includes equipment listings for explorations subcontractors who will be used on Department DOT projects. It should be noted that the qualified consultant shall be solely responsible for any and all explorations work, whether performed by the consultant or its his subcontractor.

b. Type of Work 9.2: ~~e. Group 9.2:~~ Geotechnical Classification Lab ~~Exploration~~ Testing. The consultant must have at least one technician with a minimum of two years of experience in geotechnical testing and LBR Technician qualification under the Department's Construction Training Qualification Program (in-house) the equipment and qualified staff necessary to perform the work.

c. Type of Work 9.3: ~~d. Group 9.3:~~ Highway Materials Testing. Among the consultant's personnel, at least one individual ~~The consultant must possess~~ ~~have (in-house) the equipment and qualified, certified staff necessary to perform the work.~~ Certification requirements include at least one FDOT Limerock Bearing Ratio (LBR) Technician qualification certification, one individual must possess FDOT Asphalt Plant Level I qualification Technician certification, one individual must possess Concrete Field testing Technician Level I qualification under the Department's Construction Training Qualification Program American Concrete Institute (ACI) concrete testing certification, and one individual must possess nuclear gauge operator certification as provided by a gauge manufacturer. In addition, the consultant must have (in-house) at least the following test equipment: oven, balances, sieves, mechanical shaker, colorimetric kit, compression testing machine, moisture curing room or tanks, slump cone, air meters, gravity apparatus, thermometers, pycnometer, pulverizing apparatus, jaw crusher apparatus, splitter or quartering device, Los Angeles machine, flowmeter, water bath, vacuum extractor, muffle furnace, compaction hammer, molds LBR loading devices with penetration piston, soak tanks, superpave gyatory apparatus, and ignition furnace. ~~Procedures for certification of FDOT Limerock Bearing Ratio Technicians are provided in FDOT Limerock Bearing Ratio Technician Certification Study Guide, 1986, and procedures for certification of FDOT Asphalt Plant Technicians are provided in the FDOT Asphalt Technician Manual, 1992. These two manuals are hereby incorporated by reference herein.~~

e. Type of Work 9.5: Geotechnical Specialty Lab Testing. The consultant must have at least one staff member with at least four years of experience performing the tests, or an

equivalent bachelor's degree. In addition, the consultant must have (in-house) at least the following test equipment: oven, balances, permeameter, consolidation load device, load frame, direct shear machine, triaxial panel, and a triaxial cell.

~~(i)(4)~~ Group 10. Construction Engineering Inspection. This type of work group involves the monitoring and inspection of the work required under various construction contracts. This type of work includes coordinating with other public agencies, utilities, and affected property owners. ~~A registered professional engineer is required to act in the capacity of resident engineer under the supervision of a representative of the Department. Other technical support personnel will be required as necessary depending on the nature, extent and complexity of the work under contract. Due to the nature of this type of work, the Department has developed the following sub-categories. Consultants may be restricted to certain of these sub-categories based on their level of professional experience and the number of experienced technical support personnel.~~

a. Type of Work 10.1: ~~1. Group 10.1:~~ Roadway Construction Engineering Inspection. This type of work includes the administration and inspection of single or multiple construction contracts on rural, municipal, urban, and interstate facilities; including necessary minor bridges as defined in Type of Work 3.1 ~~Group 4.1.~~

b. Type of Work 10.2: ~~2. Group 10.2:~~ Major Bridge Construction Engineering Inspection. This type of work includes the administration and inspection of single or multiple construction contracts involving the construction of major bridges as defined in Types of Work Groups 4.2, 4.3, and 4.4.

c. Type of Work 10.3: ~~3. Group 10.3:~~ Construction Materials Inspection. This type of work includes conducting inspections and investigations of various highway materials or products, together with the proper recording, analysis, and reporting of results and recommendations. The work will be performed at mines, quarries, mills, refineries, processors, producers, fabricators, constructors, and project construction sites; some of which will be outside the State of Florida.

#### 2.4: Qualification Requirements.

a. Type of Work 10.1: ~~Group 10.1:~~ Roadway Construction Engineering Inspection. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least two years of responsible charge experience as a project engineer on a roadway construction inspection project.

b. Type of Work 10.2: ~~Group 10.2:~~ Major Bridge Construction Engineering Inspection. This type of work requires a minimum of three professional engineers, registered with the Florida State Board of Professional Engineers. One of these engineers must have at least five years demonstrated major bridge construction inspection experience.

c. Type of Work 10.3: ~~Group 10.3:~~ Construction Materials Inspection. This type of work requires a minimum of one professional engineer, registered with the Florida State Board of Professional Engineers, having at least three years of responsible experience in bridge or roadway construction inspection.

~~(i)(4)~~ Group 11, 11: Engineering Contract Administration and Management.

1. Type of Work: ~~Group 11:~~ Engineering Contract Administration and Management. This type of work is defined as the administration and management of engineering activities. Consultants applying for qualification in this type of work must be determined qualified in a number of categories under this rule chapter. Examples of assignments made to a consultant qualified for this type of work are:

a. Engineering analysis of transportation facility deficiencies; and the preparation of an engineering scope of services and manhour estimate to correct those deficiencies.

b. Project schedule development for planning, environmental, design, and construction engineering inspection activities.

c. Review and analysis of professional engineering issues contained in statements of qualification and technical proposals submitted by consultants competing for professional contracts.

d. ~~Conducting~~ Scope of Service meetings with professional consultants.

e. Preparation of contractual agreements for professional services in accordance with Department policies and procedures.

f. Supervision and management of engineering consultants on individual projects, responding to their technical questions, and reviewing their work in progress and completed work.

g. Representing the Department during professional service negotiations with consultants, utilities, and other entities.

h. Other professional engineering activities associated with the acquisition and management of professional consulting services.

2. Qualification Requirements. ~~Group 11:~~ Engineering Contract Administration and Management. To be determined qualified for this type of work, a consultant must be qualified by the Department in the following Groups and Types of Work under this rule chapter: Group 3, Types of Work Groups 4.1, and 4.2, and Group 6.1, Group 7, and Type of Work Group 10.1. Firms deemed determined qualified in these groups and requesting qualification for Group 11 will be deemed determined qualified without a requirement to submit additional qualification documentation or materials.

~~(l) Group 12. Right of Way Surveying and Mapping. Due to the nature of this work, the Department has developed the following sub-categories. Consultants may be restricted to certain of these sub-categories based on the level of their experience and availability of personnel.~~

~~1. Group 12.1: Right of Way Map Preparation. This type of work includes the production of competently prepared right of way maps which must conform to Rule Chapter 61G17-6, F.A.C., pursuant to Section 472.027, Florida Statutes. Included in this type of work is the alignment of the proposed facility, sectional ties, depiction of the parent tract, identification of property ownership lines, complete parcel definition by distances and bearings, parcel identification numbers and tabulation of areas including those required for the facility and the remainder.~~

~~2. Group 12.2: Legal Description Preparation. This type of work includes the production of competently prepared legal descriptions based upon right of way maps information. Descriptions must conform to Rule Chapter 61G17-6, FAC., pursuant to Section 472.027, Florida Statutes.~~

~~3. Qualification Requirements for Groups 12.1 and 12.2: Right of Way Surveying and Mapping. These Groups require at least one professional land surveyor, registered with the Florida State Board of Land Surveyors and a minimum of two technical personnel, all having demonstrated experience in the applicable category of work.~~

~~(k)(m) Group 13. Planning. This type of work group involves is defined as the determination of future actions necessary to address the need for transportation facilities and services. The work effort may involve planning both short range (up to 10 years) and long range (more than 10 years) time periods, and may involve any or all typical activities of planning, including but not limited to development and refinement of processes and procedures; development and analysis of policies, goals, and objectives; data collection and analysis; issue analysis; development and use of forecasting and other models; analysis of transportation/land use relationships; assessing the impact that planning transportation improvements may have on private property; establishment of standards and performance criteria; forecasts of transportation and transportation – related data; determination and analysis of alternatives; multimodal/intermodal tradeoff analysis; analysis of alternatives; multimodal/intermodal tradeoff analysis; development of recommended plans and courses of action; financial feasibility; assessment of the impacts of growth management requirements on transportation; and public participation and coordination with other planning processes and plans. Due to the nature of the type of work, the Department has developed the following sub-categories. Consultants may be restricted to certain of these sub-categories based on their level of experience.~~

~~1. This group includes the following subcategories of qualification:~~

~~a.1. Type of Work Group 13.1: Reserved.~~

~~b.2. Type of Work Group 13.2: Reserved.~~

~~c.3. Type of Work Group 13.3: Policy Planning. This type of work involves deals with transportation and transportation – related planning activities in the broadest or most general way. Included in this sub-category are development and refinement of statewide transportation plans or plan components, and activities involving the impacts and implications of policies, legislative legislation issues, processes, and standards on a wide variety of subjects, including: transportation facilities and services; land use; the environment; the private sector; and the public. Planning in this sub-category usually occurs at levels where difficult trade-offs in the use and allocation of resources must be made and where many people will be affected in important but often subtle ways. Hence, the ability to use judgement, both political and technical/professional, is very important, as is the ability to effectively communicate using a variety of media.~~

~~d.4. Type of Work Group 13.4: Systems Planning. This type of work deals with planning for entire systems (one or several modes) of transportation covering an entire geographic area. Included in this sub-category are activities involving the systematic analysis of future demand for transportation facilities and services, leading to recommendations for addressing that demand. Typical activities include: data collection and analysis, including analysis of transportation/land use relationships; estimation, forecasting, and assignment of travel demand, including modeling the characteristics and use of transportation systems; mode split and multimodal tradeoff analysis; impact analysis; evaluation and decision making; cost analysis and financial feasibility; and modal coordination and management. Although recommendations as to the type, number, and approximate location of transportation facilities are to be made, this sub-category does not include determination of the precise location or design of facilities or systems.~~

~~e.5. Type of Work Group 13.5: Subarea/Corridor Planning. This type of work deals with planning for entire or portions of systems (one or several modes) of transportation covering a portion of a geographic area. Included in this sub-category are activities involving the systematic analysis of future demand for transportation facilities and services, leading to recommendations for addressing that demand. Typical activities, usually performed at a more detailed level than with systems planning, include data collection and analysis, as well as including: analysis of transportation/land use relationships; estimation, forecasting, and assignment of travel demand, including modeling the characteristics and use of transportation systems; mode split and multimodal tradeoff analysis; impact analysis; evaluation and decision making; cost analysis; and financial feasibility; and modal coordination and management. Although recommendations as to the type, number, and approximate location of transportation facilities~~

are to be made, this sub-category does not include determination of the precise location or design of facilities or systems.

f. ~~Type of Work Group~~ 13.6: Land Planning/Engineering. This work involves planning and engineering in support of assessing the impacts that proposed transportation improvements may have on private property. Included in this sub-category are activities involving site analysis for compliance with comprehensive plans, local ordinances, and appraisers' cost to cure; ~~reviewing- Review~~ and ~~providing provide~~ engineering opinions of site plans for feasibility and conformance with applicable codes and regulations; ~~assessing- Assess~~ the impact to drainage and environment; and ~~preparing Prepare~~ site plan and studies which may encompass parking layout, vehicle use areas, and general site consideration in conformance with applicable codes, laws, and regulations.

g. Type of Work 13.7: Transportation Statistics. This type of work involves data collection, analysis, editing, processing, and reporting to support planning, design, and maintenance of the transportation network. This type of work also involves the construction, replacement, or repair of traffic monitoring equipment including sensors (either installed in, or along the roadway) and associated equipment and appurtenances. The construction of traffic monitoring sites may include design, preparing construction plans, writing specifications, and construction engineering supervision. Special traffic counts may also be performed under this activity to support production and development activities and special needs.

#### 2.7. Qualification Requirements

a. ~~Type of Work Group~~ 13.1: Reserved.

b. ~~Type of Work Group~~ 13.2: Reserved.

c. ~~Type of Work Group~~ 13.3: Policy Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having training and experience in areas directly related to policy planning; or at least one professional engineer, registered with the Florida State Board of Professional Engineers, with at least one employed planner having training and experience in areas directly related to policy planning; or at least one planner, certified with the American Institute of Certified Planners, having training and experience in areas directly related to policy planning.

d. ~~Type of Work Group~~ 13.4: Systems Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having training and experience in areas directly related to systems planning; or at least one professional engineer, registered with the Florida State Board of Professional Engineers with at least one employed planner having training and experience in areas directly related to systems planning; or at least one planner,

certified with the American Institute of Certified Planners, having training and experience in areas directly related to systems planning.

e. ~~Type of Work Group~~ 13.5: Subarea/Corridor Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having training and experience in areas directly related to subarea/corridor planning; or at least one professional engineer, registered with the Florida State Board of Professional Engineers, with at least one employed planner having training and experience in areas directly related to subarea/corridor planning; or at least one planner, certified with the American Institute of Certified Planners, having training and experience in areas directly related to subarea/corridor planning.

f. ~~Type of Work Group~~ 13.6: Land Planning/Engineering. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having training and experience in comprehensive planning or areas directly related to assessing impacts to private property; or at least one professional engineer, registered with the Florida State Board of Professional Engineers, with at least one employed planner having training and experience in comprehensive planning or areas directly related to assessing impacts to private property; or at least one planner, certified with the American Institute of Certified Planners, having training and experience in comprehensive planning or areas directly related to assessing impacts to private property.

g. Type of Work 13.7: Transportation Statistics. This type of work requires at least one professional engineer registered with the Florida State Board of Professional Engineers, having demonstrated experience in activities associated with the collection of traffic data of a statistical nature that can be used in the Department's data bases such as the Rail-highway Crossing Inventory (RHCI), Traffic Characteristics Inventory (TCI), and Roadway Characteristics Inventory (RCI), or used to support other Department activities such as highway design. In addition, either the same engineer, or an additional professional engineer registered with the State Board of Professional Engineers with demonstrated experience in the construction, replacement, or repair of traffic monitoring equipment, including sensors (either installed in, on, or alongside the roadway) and associated equipment and appurtenances, and maintenance of traffic is required.

~~(1)(a)~~ Group 14. Architect.

1. Type of Work. This type of work is defined as the rendering of services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning; providing preliminary study

designs, drawings; and specifications; architectural supervision; job-site inspection; and administration of construction contracts.

2. Qualification Requirements. This type of work requires at least one architect, registered with the Florida State Board of Architecture and Interior Design, with documentation indicating five years of post registration experience in commercial design and favorable references. Additionally, the firm must employ and list sufficient project management and technical staff to provide services normally associated with this type of work; and provide documentation of past projects and favorable references.

~~(m)(e)~~ Group 15: Landscape Architect.

1. Type of Work. This type of work is defined as the rendering of services in connection with the design and construction of landscape projects. These services include planning; site planning; providing preliminary study designs, drawings, and specifications; landscape architectural supervision; job-site inspection; and administration of construction contracts.

2. Qualification Requirements. ~~Group 15: Landscape Architect.~~ This type of work requires at least one landscape architect, registered with the Florida State Board of Landscape Architecture, with. Additionally, the firm must employ and list sufficient project management and technical staff to provide services normally associated with this type of work; and provide documentation of past projects and favorable references.

~~(p)~~ Group 20. Appraisal Services. This type of work is defined as the services provided by an appraiser to the State of Florida Department of Transportation. Appraisal Services include: “Appraisal Assignment” denoting an engagement for which a person is employed or retained to act, or could be perceived by third parties or the public as acting, as an agent or a disinterested third party in rendering an unbiased analysis, opinion, review, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property; “Analysis Assignment” denoting limited appraisal services that relate to the Department’s specifically identified needs such as estimates of project or parcel costs, specialized studies of project effects or influences, market activity, market conditions, trends and adjustments, financing, and feasibility as well as analyses, opinions and conclusions relating to such activities. Appraisal services require a written statement, independently and impartially prepared, which meets the Uniform Standards of Professional Appraisal Practice (USPAP), as incorporated by reference in Section 475.628, Florida Statutes. Due to the nature of this work, the Department has developed the following sub-categories. Consultants may be restricted to certain of these sub-categories based on the level of their experience and

availability of personnel; and “Appraisal Review” denoting the act or process of critically studying an appraisal report prepared by others.

1. ~~Group 20.1 Appraisal~~

2. ~~Group 20.2 Appraisal Review~~

3. Qualification Requirements. ~~These types of work requires a minimum of one person licensed as a State Certified General Real Estate Appraiser issued by the Florida Department of Business and Professional Regulation with a minimum of three years experience in appraising for eminent domain purposes. For Group 20.2, the certifying appraiser shall, in addition to the required three years experience in appraising for eminent domain purposes, have a minimum of three years experience in appraisal review for eminent domain purposes.~~

~~(n)(e)~~ Group 21. Acquisition, Negotiation, Closing, and Order of Taking.

1. Type of Work. This type of work involves notifying all affected parties of their rights pursuant to Section 337.271, Florida Statutes; reviewing and verifying all title work; reviewing right of way maps and construction plans and verifying that all legal descriptions, right of way maps, and appraisals correspond; conducting interviews with business owners to determine eligibility for potential business damage claims and obtaining appropriate documentation; preparing real property/personal property inventories; making purchase offers including the approved market value estimate and, when applicable, approved business damages, and conducting negotiations in accordance with state policies and procedures and all applicable laws; participating in the non-binding pre-litigation mediation process; preparing recommendations for administrative settlements; preparing and processing invoices for requesting warrants for settlements, and order of taking deposits; conducting all necessary closings including but not limited to updating the title search, ensuring satisfaction of all liens and transfers, recording of all documents, and collection and payment of prorated real estate taxes; obtaining all suit information from property owners, preparing public disclosure forms for execution, obtaining Secretary of State’s reports, as well as preparation, styling, and filing of lawsuit packages under the direction of the Department’s attorney; providing assistance to the Department’s attorneys in obtaining Orders of Taking, including providing testimony and responding to interrogatories; and maintaining complete written documentation of all contacts with property owners or property owners’ representatives.

2. Qualification Requirements. This type of work requires registration of the consultant with the Florida Real Estate Commission and, at as a minimum, one real estate broker and one real estate salesperson salesman licensed by the State of

Florida Department of Business and Professional Regulation. These employees each must have at least three years of demonstrated experience in transportation acquisition projects.

~~(o)(\*)~~ Group 22. Acquisition Business Damage Estimating and Estimate Review.

1. Type of Work. This work is defined as the preparation of business damage estimate reports describing the impact of a right of way acquisition on the income, expenses, and profits of a particular business, in accordance with the standards established in Chapter 14-102, Florida Administrative Code, and all other recognized accounting and performance standards; and the critical and analytical review and evaluation of business damage estimate reports, exhibits, and other documentation submitted to the Department by the business damage estimator on behalf of the Department or business owners. ~~Performance of the estimates entail visiting each site to determine the probable impact of the taking on the business operation; interviewing business owners or any other designated representatives to the extent necessary to ensure that a complete understanding of the business operation is obtained; making a preliminary determination as to whether the business meets the eligibility requirements for a business damage claim in accordance with statutory provisions; performing preliminary cost estimates; conducting research in areas such as, parking studies, and traffic studies; coordinating with the Department's appraiser, review appraiser or relocation agent to ensure that any potential for duplicate payment is removed prior to completion of the estimate; and making a presentation to the Department's Business Damage Review Committee regarding the taking, appraisal report, other pertinent studies and business damage reports, including reports submitted on behalf of the owner. Performance of estimate reviews entail the physical inspection of the business for which damages are being estimated and a determination of:~~

~~a. Compliance with Chapter 14-102, Florida Administrative Code;~~

~~b. The reasonableness of and consistency among the facts and circumstances of the estimators' reports;~~

~~c. The reasonableness of the estimators' conclusions and rationale; and~~

~~d. The estimators' compliance with Chapter 14-102, Florida Administrative Code. This work also involves a review of invoices submitted by estimators of business damages. A written report is required consisting of the reviewer's conclusions regarding items a, b, c and d above.~~

2. Qualification Requirements. This type of work requires a minimum of one employee, registered as a Certified Public Accountant in the State of Florida, with a minimum of three years of demonstrated professional accounting work, after registration. This type of work also requires the CPA to show demonstrated previous experience in the preparation of accepted business damage estimate reports for the Florida Department of Transportation within the last three years

immediately preceding application for qualification; or service as an expert witness in the State of Florida in eminent domain cases or other legal cases regarding business valuation or damages within the last three years immediately preceding application for qualification; or a minimum of 24 hours of completed course work since January 1, 1981, directly related to business valuation. Verification of course work shall be by copies of course certificates of completion issued by the course provider which will indicate the number of hours that may be counted for continuing professional education credits.

~~(p)(\*)~~ Group 24. Acquisition Relocation Assistance.

1. Type of Work. This type of work is defined as relocation planning at the conceptual stage of a transportation project and the preparation of the ~~R~~elocation ~~N~~needs ~~A~~assessment ~~S~~urvey, identifying displaced persons and likely business damage candidates pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act and 49 C.F.R., Part 24. ~~This would involve the study and evaluation of the characteristics and needs of individuals, families, business operations, non-profit organizations, outdoor advertising signs (if applicable), farming operations, and personal property to be affected by the transportation project and by what means those needs will be met.~~ Advisory services, including personal interviews and coordination with displaced persons, must be provided to insure the timely relocation to replacement properties. Relocation assistance also involves the delivery of all required notices and offers to owners and tenants, the location and offering of comparable decent, safe, and sanitary replacement dwellings available for sale or rent, the computation of replacement housing payments, the determination of appropriate move cost payments, the monitoring of moves, the preparation of claim packages, invoicing of payment amounts and delivery of warrants. The work also entails obtaining all information pertinent to evictions and relocation appeals, and includes providing testimony. ~~The preparation and maintenance of complete written documentation of all advisory services, notice delivery, comparability and payment determinations and contacts with all persons involved in the relocation process is required.~~

2. Qualification Requirements. This type of work requires a minimum of one full time employee ~~with to have~~ a minimum of three years of demonstrated current experience in administering and providing relocation assistance for transportation projects under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and 49 C.F.R., Part 24.

~~(q)(\*)~~ Group 25. Right of Way Clearing and Leasing.

1. Type of Work: This ~~type of~~ work involves preparing real property/personal property inventories and inventory updates up to and including final disposition of the property; performing property inspections on an ongoing basis to determine the need for rodent control, maintenance, and security; conducting negotiations for short-term leases and

preparing leasing documents for real and personal property prior to construction of a project; preparing, obtaining, managing, and reviewing departmental contracts for consultant services to perform asbestos surveys, ~~preparing~~ prepare asbestos operation and maintenance plans, ~~preparing~~ prepare asbestos abatement specifications, and performing air and asbestos project monitoring; preparing, obtaining, and managing departmental contracts for asbestos abatement services and assuring the contractor files appropriate notices, ~~begins work on required dates and is in compliance with applicable laws and regulations~~; preparing, obtaining, and managing departmental contracts for demolition and removal services and assuring the contractor files appropriate notices, ~~begins work on required dates and is in compliance with applicable laws and regulations~~; inspecting demolition sites and documenting demolition activities; and preparing, obtaining, and managing departmental contracts for removal of pollutant storage tanks.

2. Qualification Requirements. This type of work requires registration of the consultant with the Florida Real Estate Commission and, ~~at as~~ a minimum, one real estate broker and one real estate ~~salesperson~~ salesman licensed by the Florida State Department of Business and Professional Regulation. These employees each must have at least three years of demonstrated experience in managing properties acquired for transportation purposes and in management of contracts for demolition activities. Additionally, at least one employee must be certified as an Asbestos Inspector, and as an Asbestos Management Planner, and have a minimum of three years of administrative experience in the asbestos field.

Specific Authority 287.055, 334.044(2) FS. Law Implemented 287.055, 337.105, 337.1075 FS. History—New 6-30-73, Amended 3-24-77, 5-1-77, 8-31-77, 11-13-77, 9-20-83, 10-21-85, Formerly 14-75.03, Amended 3-29-89, 1-2-91, 9-29-92, 2-22-94, 8-5-96, 6-30-98, \_\_\_\_\_.

#### 14-75.004 Consultant Competitive Selection Process.

Selection of professional consultants by the Department shall be in accordance with the provisions enumerated below.

##### (1) Notice.

(a) Except when there is a public emergency certified by the Secretary of Transportation, the Department shall provide notice whenever it requires professional services for a project, the basic construction cost of which is estimated by the Department to be more than the threshold amount in Section 287.017, Florida Statutes, for category five or when the fee for professional services for a fixed capital outlay study or planning activity exceeds the threshold amount provided in Section 287.017, Florida Statutes, for category two. The Department will provide the foregoing notice at its Internet address (<http://www.dot.state.fl.us/>) and, until March 1, 1998, will also publish the foregoing notice in the *Florida Administrative Weekly*. A project may include the following:

1. Professional services associated with a specifically identified project. A grouping of minor professional service assignments specifically identified in the project advertisement, each assignment of \$150,000 or less, with a maximum contract price of \$750,000; or a grouping of construction engineering inspection assignments specifically identified in the project advertisement, each assignment of \$250,000 or less, with a maximum contract price of \$1,000,000.

2. A grouping of professional service assignments for substantially similar activities where the grouping of assignments provides advantage to the Department because of the geographic proximity of the existing or proposed transportation facilities involved, or use of shared resources for multiple projects, or to allow multiple use of a single design concept. A districtwide or statewide miscellaneous minor professional service contract for a specified period of time, initially not to exceed two years, with a maximum contract price of \$750,000, in which individual minor project assignments, of no more than \$150,000 each, may be given for professional services as needed for work assignments required on a priority basis because of work program deadlines, work program schedule changes, or the necessity of complementary professional services to assist Department forces concurrently involved in other professional service assignments; or because project schedules or deadlines make it impractical to advertise the work assignment. The contract may allow extensions of the contract time if the original contract time expires and the maximum contract amount has not been reached. However, the total contract time, including all extensions, shall not exceed five years. The contract shall not be renewed, nor shall the maximum contract amount be increased over \$750,000. Projects shall not be divided for the purpose of circumventing the dollar limit on assignments.

3. Miscellaneous minor professional services, performed on a task assignment basis. The total contract fee may not exceed \$1,500,000 and individual assignments may not exceed \$300,000. However, these limits may be exceeded with unplanned cost increases. A districtwide or statewide miscellaneous minor construction engineering inspection contract for a specified period of time, initially not to exceed two years, with a maximum contract price of \$1,000,000, in which individual minor project assignments, of no more than \$250,000 each, may be given for professional services as needed for work assignments required on a priority basis because of work program deadlines, work program schedule changes, or the necessity of complementary professional services to assist Department forces concurrently involved in other professional service assignments; or because project schedules or deadlines make it impractical to advertise the work assignment. The contract may allow extensions of the contract time if the original contract time expires and the maximum contract amount has not been reached. However, the total contract time, including all extensions, shall not exceed

five years. The contract may not be renewed, nor shall the maximum contract amount be increased over \$1,000,000. Projects shall not be divided for the purpose of circumventing the dollar limit on assignments.

4. ~~A grouping of specifically identified major professional service assignments for substantially similar construction, rehabilitation, or renovation activities with a maximum contract price of \$3,000,000; where the grouping of assignments provides economic advantage to the Department because of the geographic proximity of the existing or proposed transportation facilities involved, or allows simultaneous use of shared manpower on multiple assignments by the consultant, or maximizes the simultaneous use on multiple assignments of the consultant's available offices or field facilities, or to allow multiple use of a single design concept. The maximum contract price of \$3,000,000 may be exceeded with prior written approval of the Secretary of the Department of Transportation when two or more of the above criteria are met and it is economically advantageous or otherwise serves the best interests of the Department.~~

4.5. Professional services of a general consultant, which include the administration, support, and management of engineering, architectural, surveying, planning, or right of way acquisition and appraisal activities. These activities may involve a number of different projects in the work program. The contract time, shall not exceed five years, unless extended to complete assignments previously authorized.

6. ~~Professional services provided to the Department on a continuing basis with no time limitation except that the contract shall provide a termination clause. Continuing contracts for professional services shall be restricted in use to services for projects which construction costs do not exceed \$500,000 each, or for each study activity when the fee for such professional service does not exceed \$25,000, or for work of a specified nature as outlined in the contract.~~

(b) The notice shall contain time frames for submittal of a letter of response, a general description of the project, including where a detailed description may be obtained, the Department DOT district and county where the project is located, a list of the major types of work, an indication as to whether the project is considered a minor project for qualification purposes, for which prequalification is required, and a description of the means by which interested consultants can apply for consideration. Projects that do not conform to the prequalified types of work shall be advertised requesting any interested consultant to submit a Letter of Qualification. ~~The qualifications required to be shown in a Letter of Qualification shall be determined by the Department and listed in the Advertisement.~~ Consultants responding to ~~Letter of Qualification~~ advertisements for such non-standard types of work do not need to possess previous qualification be prequalified.

(2) Response to Advertisement and Selection.

(a) Professional consultants who desire work with the Department shall timely submit a maximum of a two page letter of response, or a letter of qualification, to the Department whenever they feel qualified to perform projects for which notice has been provided in accordance with subsection (1)(a). To be considered for selection, the letter of response or letter of qualification must be received by the date specified in the advertisement and will include a list of all affiliates as defined in Section 337.165(1)(a), Florida Statutes. Only one letter of response/qualification will be considered from any consultant firm.

(b) After receipt of a letter of response, or letter of qualification, the Department shall review the submittal and verify that the consultant(s) possesses current qualification with the Department is prequalified or qualified to perform the major type(s) of work specified in the advertisement. In order to be considered for selection, any consultant which does is not possess current qualification prequalified to perform the major type(s) of work specified in the advertisement shall submit a complete Request for Qualification Package, technical and administrative application including the required overhead audit (if applicable), for prequalification on or before the date letters of response are due. A prequalified consultant may use another consultant to meet the requirements of the major type(s) of work for which it is not currently prequalified. However, the qualification status of the consultant will be valid for that project only. The consultant will be required to resubmit the necessary application for qualifications for subsequent projects in that type of work. The Department will not be obligated to delay any part of the consultant selection process or the execution of a contract for a consultant who has not been qualified for the major types of work or who cannot provide the required documentation prior to the process of final selection.

(c) If fewer than three consultants respond to the advertisement, the Department shall readvertise, or alternatively shall review its list of firms prequalified for the major type(s) of work advertised, and select no fewer than ten prequalified firms (or all prequalified firms if fewer than 10 are prequalified) deemed to be the most highly qualified, based on qualification data on file, DBE/MBE status, past performance grades, location, and volume of work previously awarded. The Department shall then contact each of the listed consultants and conduct similar discussions concerning the project, until it has at least three consultants interested in the project.

(d)(e) When the fee for professional services is less than the threshold amount provided in Section 287.017, Florida Statutes, for category two, or when the Department's estimated basic construction cost is less than the threshold amount provided by Section 287.017, Florida Statutes, for category five, the Department may request, review, and approve certify

in writing to the file the technical qualifications of the selected consultant if the consultant is not currently prequalified in the requested type of work.

(e) Selection of consultants will be in accordance with Section 287.055, Florida Statutes.

~~(3) Selection.~~

~~(a) The following procedures shall be utilized by the Department in the procurement of professional services:~~

~~1. Regarding the proposed project, the Department shall evaluate the letter of response or letter of qualification received from each consultant along with such factors as qualifications data on file, whether the firm is certified or utilizes other consultants certified by the Department as a Disadvantaged Business Enterprise (DBE) pursuant to Rule Chapter 14-78, Florida Administrative Code, and 14 C.F.R., Part 23, or by the Minority Business Advocacy and Assistance Office as a Minority Business Enterprise (MBE), past performance grades on file, consultant location, volume of work previously awarded by the Department and distribution of work among qualified consultants. The Department shall select no fewer than three consultants and shall then conduct discussions with these three consultants, and may require technical proposals and public presentations regarding their qualifications, approach to the project, availability of adequate personnel, and ability to timely furnish the required service. If fewer than three consultants respond to the advertisement, the Department shall readvertise, or alternatively shall review its list of firms prequalified for the major type(s) of work advertised, and select no fewer than ten prequalified firms (or all prequalified firms if fewer than 10 are prequalified) deemed to be the most highly qualified, based on qualification data on file, DBE/MBE status, past performance grades, location and volume of work previously awarded. The Department shall then contact each of the listed consultants and conduct similar discussions concerning the project, until it has at least three consultants interested in the project.~~

~~2. The Department shall rank, in order of preference, no fewer than three consultants deemed to be most highly qualified to perform the required services after considering such factors as the technical proposal, technical plan (including, wherever appropriate, submission of estimated hours required in sufficient detail to ensure the consultant understands the scope of services); overall management procedures, including quality control plan and resource allocation; commitment to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and certification as a DBE or MBE. The Department strives for an equitable distribution of contracts among qualified firms; provided such distribution does not violate the principle of selection of the most highly qualified firms. The Department shall provide notice of the results of the Department's selection in accordance with subsection (1)(a).~~

~~3. The Department shall initiate negotiations with the number one ranked consultant. The negotiation shall include consideration of the scope and complexity of services required. The parties shall negotiate a price that the Department determines is fair, competitive, and reasonable for the services to be performed. In making such determination, the Department shall conduct a detailed analysis of the estimated number of hours by job classification to be expended on the project, direct labor rates, overhead rate, operating margin, expenses and any other costs directly attributable to the project, as detailed in an audit package and fee proposal furnished by the consultant at the request of the Department and according to its instructions.~~

~~4. Should the Department be unable to negotiate a satisfactory contract with the consultant at a price the Department determines to be fair, competitive, and reasonable; negotiations with that firm shall be formally terminated. The Department shall then undertake negotiations with the next ranked firm.~~

~~5. Should the Department be unable to negotiate a satisfactory contract with any of the initially selected firms, the Department shall either select additional firms from the letters of response or letters of qualification in order of their competence and qualification and continue negotiations in accordance with this subsection until an agreement is reached or initiate a new selection process in accordance with these rules.~~

~~6. Prior to execution of a contract by both parties, the consultant shall submit a certificate of insurance which evidences professional liability insurance coverage, or submit an irrevocable letter of credit established pursuant to Chapter 675 and Section 337.106, Florida Statutes. The submission must establish coverage in the amounts required by the contract.~~

~~7. The Department may enter into Supplemental Agreement(s) during the term of the contract to add additional services, costs or time, if the intent of the original contract is not changed.~~

~~8. If, during the term of the contract, the Consultant or Department must terminate the contract for any reason, the Department shall determine whether the rankings from the original selection process, taken as a whole, still have validity with respect to the unfinished work; and if so shall begin negotiations to complete the remaining services with the next ranked consultant and continue to proceed as though the original selection process had not been interrupted; except that if the Department determines that any previously ranked consultant's qualifications or other selection factors as noted in Rule Section 14-75.004(3) have changed so that its rank should be changed, the Department shall assign a new rank or reject said consultant and continue to proceed as though the original selection process had not been interrupted. If the Department determines that the rankings produced by the original selection~~

process are no longer appropriate for the remaining consultants, it shall initiate a new selection process according to these rules.

(b) For all professional service contracts over \$60,000, the Department shall require the firms to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the Department determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs. All such contract adjustments shall be made within one year following the end of the contract.

Specific Authority 334.044(2) FS. Law Implemented 287.055, 337.105 FS. History—New 6-30-73, Amended 3-24-77, 6-30-83, 10-21-85, Formerly 14-75.04, Amended 3-29-89, 1-2-91, 9-29-92, 2-22-94, 8-5-96, 2-12-98,

14-75.0051 Suspension or Revocation, Denial, or Suspension of Qualification.

(1) The Department will, for good cause, deny or may suspend the qualification of any professional consultant, or other provider of service, to render services to the Department. A denial or suspension for good cause pursuant to this rule shall remove the person or firm from consideration for award of professional service contracts for a particular type of work for a period not to exceed three years. Such good cause shall include paragraphs (a) through (e) below; or revoke for good cause any Notice of Qualification. Such good cause shall include the following:

(a) One of the circumstances specified under Section 337.105(1)(a) through (i), Florida Statutes. The Department determines that a consultant has willfully made a false, deceptive, or fraudulent statement in the application for qualification, in any proposal, or in any hearing.

(b) The consultant defaulted on any Department contract, or the contract of any other governmental entity. Loss or suspension of current license or registration as regulated by the State of Florida.

(c) The consultant becomes insolvent or is declared bankrupt.

(d) The consultant failed to timely furnish all contract documents required by the contract specifications, or special provisions, to be provided after the Department's offer of final payment. employs or otherwise provides compensation to any employee or officer of the Department.

(e) The consultant has an unsatisfactory work performance grade average. A consultant must maintain a final grade of 70 to remain qualified with the Department to provide services in each type of work. A composite final average grade between 60 and 69 for schedule, management, and each quality

grade will result in the consultant being suspended from the qualified list for three months for each type of work graded within this range. A composite final average grade below 60 for schedule, management, and each quality grade will result in the consultant being suspended from the qualified list for six months for each type of work graded within this range. willfully offers an employee or officer of the Department any pecuniary or other benefit with the intent to influence the employee or officer's official action or judgment, or

(f) Any other substantial reason established by the factual circumstances. The consultant receives a Professional Consultant Work Performance Final Grade below 70.

(g) Failure to achieve the proposed participation by certified DBE or MBE subconsultants without acceptable justification.

(h) Failure to notify the Department of departure from the firm of personnel used to prequalify the firm in any type of work.

(i) History of debarment or suspension from consideration for work with any other governmental entity, or

(j) Loss of professional liability insurance.

(2) For any of the reasons provided in Section 14-75.0051(1), other than receipt of an unsatisfactory work performance grade, the Department will deny or suspend a consultant's qualification for a period of time based upon the seriousness of the deficiency. Factors to be considered in determining the length of the suspension or denial include, but shall not be limited to, the following:

(a) Impact on project design or construction schedules;

(b) Frequency or number of occurrences;

(c) Impact on the Department, financial or otherwise;

(d) Potential for repetition;

(e) Length of bar or suspension from consideration of work by another governmental entity; and

(f) Severity or length of noncompliance with the requirements for qualification found in Rule Chapter 14-75.

(3) The Department shall deny or revoke the Notice of Qualification to bid of any consultant, and its affiliates, for a period of 36 months, pursuant to Section 337.165, Florida Statutes, when it is determined that the consultant has, subsequent to January 1, 1978, been convicted of a contract crime within the jurisdiction of any state or federal court.

(4) Procedure. Any decision by the Department to suspend, revoke, or deny a consultant's qualification Notice of the Department's intended action will be provided to the consultant in accordance with Rule 28-106.111, F.A.C. The Department's action will become final, unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C., within 21 days after receipt of the Department's notice. Where a consultant's qualification has been denied or revoked for conviction of a contract crime, a hearing shall be held within 30 days of the receipt of the request for hearing if the request for hearing is

filed within 10 days of the Department's notice of intent. All requests for hearing shall be in writing and shall be in order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings, 605 Suwannee Street, MS 58, Haydon Burns Building, Tallahassee, Florida 32399-0458, within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. A request for hearing is filed when it is delivered to, and received by, the Clerk of Agency Proceedings at the above address, and accordingly is not timely filed unless it is received by the Clerk of Agency Proceedings within the appropriate time period.

(a) Reapplication or Reinstatement. A consultant whose qualification has been denied or revoked for conviction of a contract crime may petition for reapplication or reinstatement at any time after denial or revocation.

1. The petition for reapplication or reinstatement shall be in writing and shall be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS 58, Haydon Burns Building, Tallahassee, Florida 32399-0458, and shall include:

- a. The name and address of the party making the request;
- b. A statement of the specific grounds upon which the petition is based and the proposed terms and conditions upon which reapplication or reinstatement is sought;
- c. A list of all witnesses and exhibits to be presented; and
- d. A statement whether the consultant requests that the hearing be held by the Division of Administrative Hearings.

2. Upon the filing of a petition for reapplication or reinstatement, the Department shall:

- a. Conduct a hearing within 30 days after receipt of the petition, unless otherwise stipulated by the parties, or
- b. Notify the Division of Administrative Hearings within five days after receipt of the petition for scheduling of the hearing in accordance with Sections 337.165(2)(d) and 120.57, Florida Statutes.

3. If the petition for reapplication or reinstatement is denied, the consultant may not petition for a subsequent hearing for a period of nine months following the date of the order of denial or revocation.

4. If the petition for reinstatement is granted, the consultant shall file a current Request for Qualification with the Contractual Services Office, 605 Suwannee Street, MS 20, Haydon Burns Building, Tallahassee, Florida 32399-0450, before the reinstatement shall become effective.

(b) Notification of Contract Crime. A consultant who is qualified with the Department, or who has a letter of response or qualification, or who has a request for qualification pending before the Department pursuant to this Rule Chapter, shall notify the Department within 30 days after conviction of a contract crime applicable to it or to any of its affiliates or to any officers, directors, executives, shareholders active in management, employees or agents of it or any of its affiliates. The notification shall be forwarded to the Department of

Transportation, Contractual Services Office, 605 Suwannee Street, MS 20, Haydon Burns Building, Tallahassee, Florida 32399-0450.

~~(4) The suspension or revocation of any Notice of Qualification shall not affect obligations under any preexisting contracts.~~

Specific Authority 334.044(2), 337.105 FS. Law Implemented 287.055(3),(6), 337.105, 337.165 FS. History—New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 1-17-99, \_\_\_\_\_.

14-75.0052 Professional Consultant Work Performance Evaluation System.

(1) The consultant's work performance on each professional service contract must be evaluated by the Department's project manager. A minimum of one interim evaluation shall be conducted ~~made~~ for all contracts with a duration of 18 months or more ~~duration~~. A final evaluation shall be conducted ~~made~~ for all contracts within 30 days of the approval of the final invoice for the basic services. A work performance grade for each major type of work shall be based on an evaluation of Schedule, Management, and Quality. The project manager shall assign the Quality Grade to any ~~administratively or technically~~ qualified consultant named in the agreement for each major type of work they perform. The Department's contracted consultant shall also receive a Schedule, Management, and Quality Grade in the same type of work as any technically qualified consultant.

(2) Each interim grade shall be based upon an evaluation of the consultant's work performance for the period of time since a previous interim evaluation was made. The Final Grade shall reflect the overall contract performance for the entire contract period. Interim grades shall be entered in the Department's Professional Services Information System until replaced by the final grade.

(3) Each professional service contract evaluation shall be based on an evaluation of contract performance using the following grading system for Schedule, Management, and Quality, except for Groups 10.1 and 10.2, Construction Engineering and Inspection, ~~which shall be developed using a similar grading system and procedure.~~

(a) The Schedule Grade. The schedule grade shall provide an indication of the consultant's compliance with performance ~~in meeting~~ the contract schedule. ~~The consultant is graded by selecting one of the following four tests and assigning a specific grade, within the assigned range, for the test selected:~~

Test	Score
<del>1. Consistently met or bettered the approved schedule dates.</del>	92-100
<del>2. Some failure to meet scheduled dates but no adverse impact on overall project and future projects' schedule has resulted.</del>	70-91
<del>3. Adverse impact on the project schedule has resulted due to slow progress.</del>	60-69

4. Consistent problems with meeting scheduled dates resulting in an adverse impact on the timely completion of the project and scheduled future projects. 0-59

(b) The Management Grade. The management grade shall provide an indication of the consultant's managerial knowledge and ability to manage all necessary resources to deliver a high quality product while remaining within all contract time limits. The consultant is graded by assigning a specific score within an assigned range for the following five tests then adding these five specific scores to establish the total management grade:

Test	Score
1. Effectiveness of the consultant in implementing the intent and scope of the contracted services as determined from the completeness of scheduled submittals.	0-20
2. Effective application of the Department's criteria, standards and procedures (federal if applicable).	0-20
3. Effectiveness of consultant's project manager and staff to work with all involved project personnel including DOT staff, other consultants and citizens.	0-30
4. Effectiveness of the consultant in keeping to a minimum the unnecessary involvement of DOT staff.	0-20
5. Effectiveness of the consultant's management of this contract and budget, including achieving proposed DBE or MBE participation.	0-10
<b>TOTAL</b>	<b>0-100</b>

(c) The Quality Grade. The quality grade shall provide an indication of the consultant's attention and concern to the established quality control plan and a quality product. A quality grade is prepared, at as a minimum, for each major type of work as advertised. The quality grade for each type of work shall consider a minimum of four quality tests with a standard score range assigned to each test. The maximum grade for the summation of all quality tests for an individual quality grade is 100%.

(4) For all professional service contracts that result in the preparation of construction plans, a construction plan quality evaluation will be made by the Department's Resident Engineer within 30 days after final acceptance of the construction project. This Constructability Grade shall provide an indication of the design consultant's ability to develop practical, accurate, complete, and cost effective construction plans. The Department's CEI project manager or resident engineer shall assign a grade on the design consultant's plan quality. The consultant is graded by selecting one of the following five tests and assigning a specific grade, within the assigned range, for the test selected. The Department's evaluator shall use the design contract number, WPA Number and State Project numbers and sign the document. This Constructability Grade will be reviewed when considering the consultant for future project selection.

Test	Grade
(a) The construction plans were free of error and omissions, requiring no correction assistance from the consultant. No difficulty was experienced in reading and understanding the construction plans. Neither plan corrections or plans reading resulted in any construction delays.	90-100
(b) Some minor problems with the construction plans but no construction delays resulted. Minor problems in reading the construction plans but no construction delays resulted.	80-89
(c) Some problems developed with errors and omissions on the construction plans. The consultant was required for a few meetings to resolve conflicts. The consultant was timely in its responses and the required meetings did not result in any construction delays. The construction plans required some thought to interpret.	70-79
(d) Quite a few problems developed with errors and omissions on the construction plans. The consultant was required for a few meetings to resolve conflicts and redesign certain areas. The consultant was timely in its responses but need for plan corrections caused construction delays. The construction plans required more interpretation than average.	60-69
(e) An extreme number of problems developed with the construction plans. The consultant was required for many meetings to resolve conflicts and redesign many areas. The consultant was not timely in its responses and this and the need for plan corrections caused construction delays. The construction plans were difficult to read, and this caused confusion and delays also.	0-59
(5) Additional interim consultant work performance evaluations can be submitted by the Department's project manager as needed. Items to be considered for submitting additional interim evaluations are:	
(a) Examples of extremely outstanding performance;:	
(b) Examples of extremely poor performance;:	
(c) Completion of critical phases of work, such as preliminary design, submittal of draft environmental documents and reports, 30%, 60%, and 90% submittals, etc.; <u>and</u>	
(d) Requests from the consultant based on possible improved performance when <u>its</u> <del>their</del> most recent grade was low.	
(6) Evaluation Processing. The Department's project manager will submit the completed consultant performance grade, interim or final, to the Professional Services Administrator/Contractual Services Office (PSA/CSO) for entry into the Professional Services Information System. The grades will be stored in the data base for five years for	

departmental use in future qualification and the selection processes. All final grades will be retained in the system for five years, and may be referred to by the Department for use in future qualification selection matters then deleted. Each interim grade shall be replaced by the succeeding interim grade and eventually by the final grade for each contract. A performance grade is established for each major type of work by averaging the schedule, management, and quality grade. An average grade of 70 or more for each type of work is considered satisfactory.

(7) Within 10 days after the Professional Services Administrator/Contractual Services Office PSA/CSO receives the completed grades, a copy of the performance grades with a cover letter shall be provided to the consultant's project manager and officer who executed the agreement, as well as to any other consultant who was named in the agreement and was assigned a Quality Grade for work it performed.

Specific Authority 287.055, 334.044(2) FS. Law Implemented 287.055, 337.105 FS. History--New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 8-5-96, \_\_\_\_\_.

14-75.0053 Suspension Due to Poor Performance.

Specific Authority 334.044(2), 337.105(1) FS. Law Implemented 337.105(1) FS. History--New 3-29-89, Amended 2-22-94, 8-5-96, Repealed \_\_\_\_\_.

14-75.0071 Reapplication and Reinstatement.

Specific Authority 334.044(2) FS. Law Implemented 337.165 FS. History--New 3-29-89, Amended 2-22-94, Repealed \_\_\_\_\_.

14-75.008 Notification of Contract Crime.

Specific Authority 334.044(2) FS. Law Implemented 337.105, 337.165 FS. History--New 6-30-83, Amended 10-21-85, Formerly 14-75.08, Amended 3-29-89, 2-22-94, Repealed \_\_\_\_\_.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 01-02R

RULE CHAPTER TITLE: Florida Forever Land Acquisition and Management
RULE CHAPTER NO.: 18-24

RULE TITLES: General and Definitions
RULE NOS.: 18-24.001

Public Purposes and Categories of Projects
Qualifying for Funding 18-24.002

Application Procedures and Requirements 18-24.003

Initial Review of Project Proposals 18-24.004

Full Review of Projects Proposals 18-24.005

Council Evaluation and Rankings 18-24.006

Board of Trustees Consideration 18-24.007

Capital Improvement and Restoration Proposals 18-24.008

PURPOSE AND EFFECT: To implement the Florida Forever Act, s. 259.105, F.S., and related sections.

SUBJECT AREA TO BE ADDRESSED: Procedures for solicitation and standards and criteria for evaluation, selection, and ranking of Florida Forever land acquisition projects by the Acquisition and Restoration Council and the Board of Trustees of the Internal Improvement Trust Fund.

SPECIFIC AUTHORITY: 259.035(1),(4), 259.105(9),(18) FS.

LAW IMPLEMENTED: 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: O. Greg Brock, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)487-1750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Reservation of Water from Use
RULE NO.: 40C-2.302

PURPOSE AND EFFECT: The rule will reserve that portion of the surface water in Lake Griffin needed to restore the historic upper Ocklawaha River and floodplain wetland system in the Sunnyhill Restoration Area for the purpose of protecting fish and wildlife by restoring habitat and improving water quality. Additionally the rule will reserve that portion of the surface water in Lake Griffin needed to maintain flows sufficient to protect fish habitat in the C-231 Canal.

SUBJECT AREA TO BE ADDRESSED: Reservation of surface water from Lake Griffin (Lake and Marion Counties) for Sunnyhill Restoration Area (Marion County) and C-231 Canal (Marion County).

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.223 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., March 20, 2001

PLACE: Leesburg Community Center, 109 East Dixie Avenue, Leesburg, Florida 34749

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Ambulatory Surgical Center Services  
 RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2001. Appendix A of the handbook contains the 2001 procedure codes and payment groups in effect for dates of service beginning on January 1, 2001. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 10:00 a.m., March 19, 2001

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Program Development Office, Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Tallahassee, FL 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2001, ~~April 2000~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Prescribed Drug Services  
 RULE NO.: 59G-4.250

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Prescribed Drug Services, Coverage, Limitations and Reimbursement Handbook, May 2001. This version of the handbook contains revisions related to the legislative changes in the year 2000. The effect will be to incorporate by reference in the rule the current Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook.

SUBJECT AREA TO BE ADDRESSED: Prescribed Drug Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(20), 409.908, 409.912 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD.)

TIME AND DATE: 8:30 a.m., March 26, 2001

PLACE: Conf. Room A, Bldg 3, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue C. Preacher, Medicaid Bureau of Pharmacy Services, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-4441

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.250 Prescribed Drug Services.

(1) No change.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, May 2001, ~~February 2001~~, which is incorporated by reference, and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-20-00, 1-29-00,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Fee for Inactive Status  
 RULE NO.: 64B5-15.010

PURPOSE AND EFFECT: The Board proposes to amend this rule to decrease the fees.

SUBJECT AREA TO BE ADDRESSED: Decrease in fees.

SPECIFIC AUTHORITY: 466.004, 466.015 FS.  
 LAW IMPLEMENTED: 456.036, 466.015 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-15.010 Fee for Inactive Status.

The fee to place a dental license on inactive status shall be ~~\$25~~ \$25. The fee to place a dental hygiene license on inactive status shall be ~~\$15~~ \$90.

Specific Authority 466.004, 466.015 FS. Law Implemented ~~456.036~~, 466.015 FS. History—New 1-18-87, Amended 11-16-89, 8-13-92, Formerly 21G-15.010, 61F5-15.010, Amended 7-12-95, 5-6-96, Formerly 59Q-15.010, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES: ORGANIZATION RULE NOS.:  
 Organization 64B8-40.002  
 Delegation of Powers and Duties 64B8-40.003  
 PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Organization; Delegation of Powers and Duties.  
 SPECIFIC AUTHORITY: 468.507 FS.  
 LAW IMPLEMENTED: 468.507 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES: GENERAL REQUIREMENTS RULE NOS.:  
 General Requirements 64B8-45.001  
 Continuing Education Approval 64B8-45.002  
 Performance of Pro Bono Services 64B8-45.005

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: General Requirements; Continuing Education Approval; Performance of Pro Bono Services.

SPECIFIC AUTHORITY: 456.013(8), 468.507 FS.

LAW IMPLEMENTED: 468.514, 468.515 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLES: DISCIPLINARY GUIDELINES RULE NOS.:  
 Disciplinary Guidelines 64B12-8.020  
 Citations 64B12-8.021

PURPOSE AND EFFECT: The Board proposes amendments to Rules 64B12-8.020 and 64B12-8.021, F.A.C., to revise existing disciplinary guidelines and citation offenses for licensees.

SUBJECT AREA TO BE ADDRESSED: The disciplinary guidelines and citation offenses of the Board of Opticianry.

SPECIFIC AUTHORITY: 456.079, 484.005, 456.077 FS.

LAW IMPLEMENTED: 456.079, 456.072, 484.014, 456.077, 456.073, 484.014 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE BOARD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN C06, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Examination Review Procedure  
 RULE NO.: 64B12-9.003

PURPOSE AND EFFECT: The Board proposes an amendment to Rule 64B12-9.003, F.A.C., to amend the time allowed to request an examination review.

SUBJECT AREA TO BE ADDRESSED: Examination review procedures.

SPECIFIC AUTHORITY: 456.017 FS.

LAW IMPLEMENTED: 456.017 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Foster Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN C06, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE CHAPTER TITLE: Boating Restricted Areas  
 RULE CHAPTER NO.: 68D-24

RULE TITLES: Definitions  
 RULE NOS.: 68D-24.002

Charlotte County Boating Restricted Areas 68D-24.108

PURPOSE AND EFFECT: To adopt by reference the definitions that will be placed in section 68D-23.103, Florida Administrative Code, and to establish one or more Slow Speed Minimum Wake boating restricted areas within and adjacent to the Florida Intracoastal Waterway within Charlotte County.

SUBJECT AREA TO BE ADDRESSED: Vessel traffic safety within and adjacent to the Florida Intracoastal Waterway in the vicinity of the Gasparilla Island Bridge and the Tom Adams Bridge in Charlotte County Florida.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Captain Alan S. Richard, Coordinator, Office of Boating Safety and Waterway Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.002 Definitions.

The definitions provided in rule 68D-23.103, F.A.C. shall also apply to chapter 68D-24, F.A.C. When used in these rules, the following words shall have the indicated meanings unless the context clearly indicates otherwise:

~~(1) Slow Speed Minimum Wake and Slow Down Minimum Wake indicate a boating restricted area which has been established to protect the safety of the public. Slow Speed Minimum Wake and Slow Down Minimum Wake means that a vessel must be fully off plane and completely settled into the water. It may not proceed at a speed greater than that speed which is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.~~

A vessel that is:

~~(a) operating on a plane is not proceeding at slow speed minimum wake;~~

~~(b) in the process of coming off plane and settling into the water or coming up onto plane is not proceeding at slow speed minimum wake;~~

~~(c) operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels is not proceeding at slow speed minimum wake;~~

~~(d) completely off plane and which has fully settled into the water and is proceeding without wake or with minimum wake is proceeding at slow speed minimum wake.~~

Slow speed minimum wake is the preferred term. Slow Down Minimum Wake may continue to be used except when such a restricted area is contiguous to an Idle Speed No Wake boating restricted area.

(2) Idle Speed No Wake indicates a boating restricted area which has been established to protect the safety of the public. Idle Speed No Wake means that a vessel cannot proceed at a speed greater than that speed which is necessary to maintain steerageway.

(3) "Miles per hour" means speed made good over the bottom measured in statute miles.

(4) "Wake" means all changes in the vertical height of the water's surface caused by the passage of a vessel including, but not limited to, a vessel's bow wave, stern wake, and propeller wash.

(5) "Holiday" means:

(a) New Year's Day.

~~(b) Birthday of Martin Luther King, Jr., the third Monday in January.~~

~~(c) Memorial Day.~~

~~(d) Independence Day, the Fourth of July.~~

~~(e) Labor Day.~~

~~(f) Columbus Day.~~

~~(g) Veterans' Day, November 11.~~

~~(h) Thanksgiving Day.~~

~~(i) Friday after Thanksgiving.~~

~~(j) Christmas Day.~~

~~(k) If any of these holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.~~

Specific Authority 327.04, 327.46, 370.021 FS. Law Implemented 327.46 FS., Chs. 86-364 and 89-428, Laws of Florida. History—New 8-30-83, Formerly 16N-24.02, Amended 6-14-93, Formerly 16N-24.002, Amended 9-28-98, Formerly 62N-24.002, Amended.

68D-24.108 Charlotte County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Intracoastal Waterway in Charlotte County, Florida, the following Boating Restricted Areas ~~are~~ Area is established:

(a) 1. Cape Haze – A Slow Speed Minimum Wake boating restricted area zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, from a line drawn east/west across the waterway 4,982 feet south east of platted Lot Number 6 within the Cape Haze Subdivision, Section 3, Township 42S, Range 20E, in Charlotte County, Florida, to a line drawn perpendicular to the centerline of the waterway 2,552 feet northwest of said Lot, as depicted in drawing A.

2. Gasparilla Island Bridge – a Slow Speed Minimum Wake boating restricted area within the right-of-way of the Florida Intracoastal Waterway from a line drawn perpendicular to the center line of the waterway 300 feet east-southeast of the abandoned CSX railroad bridge to a line drawn perpendicular to the center line of the waterway 300 feet west-northwest of the center fender system of the Gasparilla Island Causeway Bridge, as depicted in drawing B.

3. Tom Adams Bridge – All waters in and adjacent to the Florida Intracoastal Waterway, from shoreline to shoreline, bounded on the northwest by a line drawn parallel to the center line of the Tom Adams Bridge 300 feet north of the centerline of said bridge, bounded on the southwest by the shoreline and by a line drawn perpendicular to the centerline of said bridge running from the southwest terminus of the bridge northwest until it intersects with the northwest boundary line, bounded on the southeast by a line drawn parallel to the center line of said bridge 300 feet southeast of the centerline of said bridge, and bounded on the east and northeast by the shoreline, as depicted in drawing C.

(b) Charlotte County and the Gasparilla Island Bridge Authority are ~~is~~ authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such boating restricted area.

(2) The boating restricted area described in Rule 68D-24.108, F.A.C. ~~are~~ is depicted on the following drawings: SEE FLORIDA ADMINISTRATIVE CODE FOR THE CAPE HAZE BOATING RESTRICTED AREA DRAWING WHICH WILL BE DESIGNATED AS DRAWING A. DRAWINGS FOR THE GASPARILLA ISLAND BRIDGE AND TOM ADAMS BRIDGE BOATING RESTRICTED AREAS HAVE NOT YET BEEN DEVELOPED.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 6-27-95, Formerly 62N-24.108, Amended.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE TITLE: St. Johns County Boating Restricted Areas

RULE NO.: 68D-24.155

PURPOSE AND EFFECT: St. Johns County has requested this office to establish boating safety zones along the Florida Intracoastal Waterway as it makes its way through St. Johns County. The wakes from passing vessels have caused vessel damage, and continues to present a danger to vessels being launched or recovered at public boat ramps in the area. This boat ramp is also utilized by emergency vessels. This rulemaking action was requested by St. Johns County. The local office of the Florida Fish and Wildlife Conservation Commission has concurred with this action. United States Army Corps of Engineers and the United States Coast Guard.

SUBJECT AREA TO BE ADDRESSED: The enactment of a Slow Speed Minimum Wake zone in and adjacent to the Intracoastal Waterway, in St. Johns County, in the vicinity of Devil's Elbow Fish Camp, for a distance of 500' north (29°45.070"N, 81°14.963"W) and 500' south (29°45.206"N, 81°14.992"W) of the Devil's Elbow Fish Camp, within the Florida Intracoastal Waterway (ICW). St. Johns County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas and shall install and maintain "Resume Normal Safe Operation" markers at the north and south boundaries of the boating restricted areas.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED FOR A LATER DATE TO BE ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Office of Boating Safety and Waterway Management, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Extension 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.155 St. Johns County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway in St. Johns County, Florida, the following boating restricted areas are established:

(a)1. through 5. No change.

6. Devils Elbow Fish Camp – A Slow Speed Minimum Wake zone from 500' north of Devils Elbow Fish Camp to 500' south of Devil's Elbow Camp of the Florida Intracoastal Waterway to the shoreline of the Florida Intracoastal Waterway (ICW), as depicted in drawing F.

(b) through (2) No change.

Drawings A through E No change.

Drawing F has not yet been developed.

## Section II Proposed Rules

### DEPARTMENT OF BANKING AND FINANCE

#### Division of Securities and Finance

RULE TITLE: Interest Rate Parity

RULE NO.: 3D-85.300

PURPOSE AND EFFECT: The proposed amendments clarify which provisions of Chapter 516, F.S., are applicable to Chapter 520, F.S., licensees that use the interest rate parity provisions of Section 687.12, F.S.

SUMMARY: The proposed amendment adds Sections 516.15(3) and 516.26, F.S., as being applicable to Chapter 520, F.S., licensees who utilize the interest rates permitted by Chapter 516, F.S., and provides that Section 516.15(1),(2) and (4), F.S., are not being applicable to such licensees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 687.148(2) FS.

LAW IMPLEMENTED: 687.12 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., March 26, 2001

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Tedcastle, Financial Administrator, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE FULL TEXT OF THE PROPOSED RULE IS:

3D-85.300 Interest Rate Parity.

(1) For the purpose of using the interest rate parity provision in Section 687.12, F.S., extensions of credit made by licensees under Chapter 520, F.S., are deemed similar to consumer finance loans authorized by Chapter 516, F.S. Licensees under Chapter 520, F.S., are authorized to charge interest on their extensions of credit to any person, firm, or corporation, at the interest rates permitted by Chapter 516, F.S.

(2) Licensees under Chapter 520, F.S., who utilize the interest rates permitted by Chapter 516, F.S.:

(a) Shall be governed by the same amount, term, possible charges, rebate requirements, and restrictions that govern loans under Chapter 516, F.S., including Sections 516.02(2)(a)-(c), 516.02(3)-(4), 516.031, 516.035, 516.15(3), 516.17, 516.19, 516.21, 516.26, 516.31, and 516.36, F.S.

(b) Shall not be subject to the licenses, examinations, regulations, documents, procedures, and disclosures required by Chapter 516, F.S., including Sections 516.02(1), 516.03, 516.05, 516.07, 516.08, 516.12, and 516.15(1)-(2),(4), F.S.

(c) Shall indicate on the instrument evidencing the extension of credit that the interest rate charged is authorized in Chapter 516, F.S.

(d) Shall not make any particular type of loan or extension of credit which they are not authorized to make by the laws under which they are licensed or organized.

Specific Authority 687.148(2) FS. Law Implemented 687.12 FS. History--New 11-27-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Tedcastle, Financial Administrator, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2001