

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

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Annual and Quarterly Reporting Requirements  
**RULE NO.:** 4-137.001  
**PURPOSE AND EFFECT:** The purpose of the proposed rule development is to adopt current NAIC annual statement instructions and accounting practices manuals.  
**SUBJECT AREA TO BE ADDRESSED:** Financial statements of insurance companies.  
**SPECIFIC AUTHORITY:** 624.307, 624.308(1) FS.  
**LAW IMPLEMENTED:** 624.307(1), 624.424(1) FS.  
**IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Kerry Krantz, Actuary, Division of Insurer Services, Department of Insurance, 200 E. Gaines Street, Room 317B, Larson Building, Tallahassee, FL 32399-0327, (850)413-4153  
 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:**

- 4-137.001 Annual and Quarterly Reporting Requirements.  
 (1) through (3) No change.  
 (4) Manuals Adopted.  
 (a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:  
 1. The NAIC's Annual Statement Instructions, Property and Casualty, 2002 2001;  
 2. The NAIC's Annual Statement Instructions/Life, Accident and Health, 2002 2001; and  
 3. At the option of a life, accident, and health company or a property and casualty company whose policy and contract premiums, claims, and liabilities are 100% health insurance, the NAIC's Annual Statement Instructions/Health, 2002; and  
 4. 3. The NAIC's Accounting Practices and Procedures Manual, as of March, 2002 2001.  
 (b) No change.

Specific Authority 624.307, 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History–New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01,\_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** NAIC Financial Examiners Handbook Adopted  
**RULE NO.:** 4-138.001  
**PURPOSE AND EFFECT:** The purpose of the proposed rule development is to adopt the current NAIC Financial Condition Examiners Handbook manuals.  
**SUBJECT AREA TO BE ADDRESSED:** Financial examination of insurance companies.  
**SPECIFIC AUTHORITY:** 624.308(1) FS.  
**LAW IMPLEMENTED:** 624.307(1), 624.316(1)(c) FS.  
**IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Kerry Krantz, Actuary, Division of Insurer Services, Department of Insurance, 200 E. Gaines Street, Room 317B, Larson Building, Tallahassee, FL 32399-0327, (850)413-4153  
 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:**

- 4-138.001 NAIC Financial Examiners Handbook Adopted.  
 (1) The National Association of Insurance Commissioners Financial Examiners Handbook Volume I, (2002 2001) is hereby adopted and incorporated by reference.  
 (2) through (3) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316(1)(c) FS. History–New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

**RULE TITLE:** Guidelines for Imposing Administrative Penalties  
**RULE NO.:** 5F-2.016  
**PURPOSE AND EFFECT:** The purpose of amending 5F-2.016 is to update a value in a table that reflects the adoption of the most recent Annual Book of ASTM Standards, the accepted standard for implementation of Chapter 525, F.S.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 5F-2.016, F.A.C., will amend the guidelines when administrative fines are imposed pursuant to Section 525.16, F.S.

SPECIFIC AUTHORITY: 525.14 FS.

LAW IMPLEMENTED: 525.16 FS.

IF REQUESTED 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., Monday, May 20, 2002

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone: (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) through (5)(d) No change.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

a. Severity and Nature of the Violation

Gasoline

Fine	\$100	\$250	\$500
Distillation: End Point, °F	450-475	476-500	>500
Distillation: 10, 50 & 90% evaporated temperature, °F		all violations	
Vapor Pressure, psi	April-October: >maximum but # 11.5	November-March: >13.5 April-October: >11.5	
Antiknock Index			>2.0 below displayed value
Sulfur			all violations
Gum			all violations
Alcohol/Oxygenates		>maximum but 20%	>20%

Diesel, Kerosene and Fuel Oils

Fine	\$100	\$250	\$500
Flash Point, °F	diesel & fuel oils: 80-95 kerosene: 80-91	diesel, kerosene & fuel oils: 60-79	diesel, kerosene & fuel oils: <60
Distillation		diesel, kerosene & fuel oils: all violations	

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History—New 2-24-00, Amended \_\_\_\_\_.

DEPARTMENT OF REVENUE

RULE TITLES:

RULE NOS.:

Definitions

12-3.0012

Adoption of Materials That Contain

Departmental Procedures

12-3.0017

PURPOSE AND EFFECT: The amendments to Rule 12-3.0012, F.A.C. (Definitions), define the terms “adequate records” and “voluminous records” to ensure taxpayers understand how these terms apply to the examination of records by the Department.

The effect of amending this rule is to educate taxpayers about records that are subject to review by the Department.

The creation of Rule 12-3.0017, F.A.C. (Adoption of Materials That Contain Departmental Procedures) adopts publications, training manuals, and other materials that establish procedures the Department employs when administering its statutory responsibilities. Specifically, this new rule: A) adopts the Department’s training manual on stratified statistical sampling procedures for electronic records (GT400116), which instructs the Department’s auditors on how to define the population of data to be sampled, how to establish the pilot sample, how to complete the sample, and how to project and allocate the results of the sample; B) adopts the Department’s training manual on basic electronic auditing procedures (GT400514), which instructs the Department’s auditors on how to choose candidates for electronic auditing, the appropriate electronic audit techniques, and how to determine if stratified statistical sampling is appropriate; C) adopts the Department’s taxpayer information booklet on auditing in an electronic environment (GT300034), which explains to audit candidates the benefits of electronic auditing, the Department’s statutory authority for conducting such audits, the confidentiality of taxpayer information reviewed during the audit, how the Department determines if a taxpayer is an electronic audit candidate, and what electronic auditing techniques the Department uses; D) adopts the Department’s discussion of adequate vs. inadequate records (GT400515) for the purpose of determining during a review of a taxpayer’s sales and use tax or discretionary sales surtax records if such records are adequate or inadequate; and, E) adopts the General Tax Administration Program’s procedures bulletin on assignment of rights (GTAPB

02(A)-001), which addresses how to handle overpayments of sales and use tax or discretionary sales surtax when a purchaser has paid tax to a dealer.

The effect of creating this new rule is to ensure compliance with the requirements of the Administrative Procedure Act and to inform the public about the Department's audit procedures.

**SUBJECT AREA TO BE ADDRESSED:** These rules deal with the adoption of definitions and materials that contain procedures on how the Department conducts audits and explain a method for handling overpayments of sales and use tax or discretionary sales surtax.

**SPECIFIC AUTHORITY:** 213.06(1) FS.

**LAW IMPLEMENTED:** 95.091(3), 212.12, 212.13, 213.34, 213.345, 213.35 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 1:00 p.m., May 20, 2002

**PLACE:** Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFTS IS:** Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at (800)955-8700 (voice) and (800)955-8771 (TDD).

**THE PRELIMINARY TEXT OF THE PROPOSED RULES DEVELOPMENT IS:**

#### 12-3.0012 Definitions.

The following terms apply to the Department's administration of the programs delegated to it by statute. These terms shall have the meaning given to them in this section, except where the context clearly indicates a different meaning.

(1) through (2) No change.

(3) "Adequate records" means sufficient and accurate books and accounts ordinarily maintained by the average prudent businessperson engaged in the same activity that can be used to determine the correct amount of any tax liability or refund, pursuant to Section 213.35, F.S. To be deemed adequate, such records must be sufficient, accurate, comprehensive, authentic, reliable, systematic, usable,

tamperproof, and contemporaneous. In addition, to be deemed adequate, records and documents must be retained for as long as they are legally required pursuant to Section 95.091(3), F.S.

(a) A recordkeeping system kept in an orderly fashion includes a summary of business transactions, such as accounting journals and ledgers, and all returns or reports required to be filed with government or regulatory entities. This system indicates gross income, deductions, and credits, and it contains supporting documentation such as sales slips, paid bills, invoices, receipts, deposit slips, and cancelled checks.

(b) Records must be sufficient to document: gross receipts and revenue from all sources, taxable or not; deductions, exemptions, or credits; and purchases, assets and liabilities; and they must be supported by the original source documents.

(c) Records include schedules or working papers used to prepare tax returns and financial statements. Records also include: resale certificates; agricultural certificates; and other approved certificates received when making sales. The normal books of account include: bills; receipts; contracts; invoices; cash register tapes; cancelled checks; bank statements; or other documents of original entry supporting the entries in the books of account. Additional necessary records may include: bills of lading; contracts; leases; and notes.

(d) Adequate records include:

1. A daily record of all cash and credit sales, including information as to financing or installment plans, and tax collected;

2. A record of the amount of all merchandise and services purchased, including all bills of lading, invoices, and purchase orders;

3. A record of all deductions and exemptions claimed in filing sales or use tax returns, including exemption and resale certificates;

4. A record of all tangible and intangible purchases used or consumed in the conduct of the business; and,

5. An accurate annual inventory of stock on hand and its cost.

(e) It is not essential that the records be totally complete in order for the records to be deemed adequate. Business considerations, materiality, third-party confirmations, and other corroborating evidence that includes related supporting documentation, may be used to establish that the taxpayer has adequate records.

(f) Section 212.12(6)(b), F.S., does not allow the Department to use a sample to project an overpayment when the records are inadequate.

(4) "Voluminous records" means adequate records maintained by the taxpayer pursuant to Section 213.35, F.S., that are so numerous and extensive that their production by the taxpayer and review by the Department would be most



(a) A Professional Consultant who desires to qualify with the Department shall submit a Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. 06/02 ~~05/01~~, which may be obtained from the Procurement Office, MS 20, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450, or from the Department's web page at [www11.myflorida.com/procurement/www.dot.state.fl.us](http://www11.myflorida.com/procurement/www.dot.state.fl.us).

(b) Professional Consultants who are not qualified at the time of advertisement for a consultant project must file with the Department a completed Request for Qualification Package for Professional Consultants on or before the project's advertised letter of response date. The Department is not obligated to delay any part of the consultant selection process or the execution of a contract, for a consultant who has not been qualified.

(c) The Request for Qualification Package for Professional Consultants will include the following items:

1. An audit report prepared by an independent Certified Public Accountant or governmental agency. The audit report will be no more than twelve months old on the date of submission and will include the following:

a. A statement indicating the existence 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.

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 generally accepted governmental auditing standards, the Department's *Overhead Audit Guidelines*, 2002, and the *Government Auditing Standards*, Rev. August 1999, published by the U.S. Government Printing Office, which are hereby incorporated by reference.

2. Consultants who have been operating 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*, 2002, 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 shall review the estimate and establish a provisional combined overhead rate, which may be used in Department contracts until the consultant has completed its first fiscal year of operation, at

which time the consultant shall submit an annual overhead audit performed by an independent Certified Public Accountant or governmental agency.

3. 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 Certified Public Accountant or governmental agency. Such report will be in the format specified in the Department's *Overhead Audit Guidelines*, 2002.

4. 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.

5. Consultants may elect to request qualification without submitting an overhead audit report, a self-certified report, or proof of liability insurance. Such consultants will be restricted to a sub-consultant role on Department contracts with contract fee less than \$250,000.

(4) Procedure.

(a) Within 30 days after receipt of a completed Request for Qualification Package for Professional Consultants, 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.

(b) Upon receipt of a complete application, the Department shall make such inquiries and investigations as deemed necessary to verify and evaluate the applicant's statements and determine competency for qualification.

(c) Information which the Department shall consider in determining whether a consultant is qualified to perform the 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 ~~Department Secretary~~ of State, if the applicant is a corporation or limited partnership.;

4. History of suspension for failure to maintain adequate type of work performance grades with the Department in specified types of work.;

5. Integrity and responsibility, which shall include history of debarment or suspension from consideration for work with any other governmental entity.

6. 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.

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

8. 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.

9. The acceptability of the supporting overhead, accounting system, and insurance information. ~~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. A statement indicating the existence 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.~~

~~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 Auditing Standards*, Rev. August 1999, published by the U.S. Government Printing Office, which are hereby incorporated by reference.~~

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*, 2000, 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 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.~~

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 report will be in the format specified in the Department's *Overhead Audit Guidelines*, 2000. 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. ~~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.~~

(d) 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. 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.

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

(6) Changes in Qualification Status.

(a) A consultant shall submit a revised application in the event a 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 affects an element the Department considers under Rule 14-75.0022, F.A.C., when initially qualifying consultants. A revised application may be the basis for notice of agency action under Rule 14-75.0051, F.A.C.

(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.

Specific Authority 287.055, 334.044(2), 337.105 FS. Law Implemented 287.055, 337.107, 337.1075, 337.167 FS. History—New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 8-5-96, 1-17-99, 8-2-01, \_\_\_\_\_.

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

In the Request for Qualification Package, the consultant will certify the standard types of work for which the consultant meets the minimum qualification requirements as stated in this section. The Department will periodically audit a sampling of qualified consultants to ensure compliance with the qualification requirements, and consultants found to misrepresent their qualifications will be subject to suspension of qualifications with the Department in accordance with Rule 14-75.0051, F.A.C. The following criteria apply to the qualification of professional consultants:

(1) 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, F.A.C.

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

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

(4) 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 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) ~~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.~~ Qualification may be sought in any of the following categories or sub-categories:

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

1. Type of Work. This 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 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 that are identified in ~~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 work group requires a professional engineer, a natural scientist, and a social scientist. The professional engineer must be registered with the Florida State Board of Professional Engineers and must have managed and completed at least one PD&E study or similar study, having a background or experience in civil engineering, including roadway design and proficiency in environmental engineering. This and experience must include conducting in environmental studies for impact assessment of transportation projects, involving highway projects and including experience with public involvement issues. The; ~~a~~ natural scientist must have ~~with~~ a four-year university or college degree and experience in a natural science such as

ecology, biology, environmental science, or wildlife management and have completed at least one PD&E study or similar study in a natural science area such as defined above. ~~The; and a~~ social scientist must have 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 and have completed at least one PD&E study or similar study in a social science area such as defined above.

(b) Group 3. Highway Design – Roadway. This work group involves the production and/or review of 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 Department or the Federal Highway Administration.

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

a. Type of Work 3.1: Minor Highway Design. This type of work includes roadway design for ~~small and/or rural~~ RRR and minor widening and projects; repair, resurfacing, and rehabilitation projects which do not involve major reconstruction, new curb and gutter, or substantial capacity improvements, ~~; and associated activities, such as drainage, utility relocation, minor traffic operations improvements, miscellaneous minor design services, etc.~~ This work type also includes interstate projects involving resurfacing only. Projects of this type generally involve minor drainage, utility relocation, traffic operations improvements, miscellaneous design services, etc.

b. Type of Work 3.2: Major Highway Design. This type of work includes roadway design for all urban ~~arterial~~ highways with new curb and gutter and new or major reconstruction rural projects with substantial capacity improvements such as adding two or more lanes, including the design of enclosed drainage systems. ~~Projects of this~~ This type generally of work may include utility relocation plans, drainage design and permitting stormwater permits, maintenance of traffic plans, traffic engineering applications, intersection details, etc.

c. Type of Work 3.3: Controlled Access Complex Highway Design. This type of work includes design of new and complex reconstruction projects on controlled access facilities including interstates, interchanges, and expressways ~~is applicable to expressways, limited access facilities, interchanges, and interstate highways. Projects of this~~ This type generally include 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, permitting, traffic engineering applications, utility relocation plans, maintenance of traffic plans, interchange design, etc.

2. Qualification Requirements.

a. Type of Work 3.1: Minor Highway Design. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having proficiency in civil engineering and at least one year of post-registration experience in the design and preparation of plans for highways ~~demonstrated plans, production, and design experience in the activities normally associated with this category.~~

b. Types of Work 3.2 and 3.3: Major Highway Design and Controlled Access Complex Highway Design. These types of work require at least two professional engineers, registered with the Florida State Board of Professional Engineers, having proficiency in civil engineering and at least two years of post registration experience in the design and preparation of plans for highways, one year of which must be in the category for which qualification is sought ~~demonstrated plans, production, and design experience in the activities normally associated with the category.~~

(c) Group 4. Highway Design – Bridges. This work group involves the production and/or review of competently engineered bridge plans which conform with acceptable design standards and which meet the specific requirements of the Department or the Federal Highway Administration.

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

a. Type of Work 4.1: Minor Bridge Design. This type of work 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.

b. Type of Work 4.2: Major Bridge Design. This type of work includes the design of structures that cannot be included in Type of Work 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.



c. Type of Work 4.3: Complex Bridge Design. This type of work includes the design of unique, specialized, and uncommon types of designs as determined by the Department. 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.

d. Type of Work 4.4: Movable Span Bridge Design. This type of work 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.

#### 2. Qualification Requirements.

a. Type of Work 4.1: Minor Bridge Design. This type of work requires 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. The professional engineer shall be responsible for quality assurance of all the design services.

b. Type of Work 4.2: Major Bridge Design. This type of work requires 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. The professional engineers shall be responsible for the quality assurance of all the design services.

c. Type of Work 4.3: Complex Bridge Design. This type of work requires 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. The professional engineers shall be responsible for the quality assurance of all design services.

d. Type of Work 4.4: Movable Span Bridge Design. This type of work requires qualification in type of work 4.2, and also requires an electrical engineer and a mechanical engineer both registered with the Florida State Board of Professional Engineers 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 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. In addition to the experience requirements for type of work 4.2, the professional engineers will have at least five years of movable bridge structural design experience and the three engineers/technicians shall have a minimum of three years of movable bridge design experience. At least one of the professional engineers or engineer/technicians will have experience in the design of at least three movable bridge electrical control systems within the last 10 years and one will have experience in the design of at least three movable bridge drive systems within the last 10 years. The electrical engineer will have experience in the design of at least three movable bridge electrical control systems within the last 10 years and experience with the commonly used bridge leaf motion control techniques used within the last 30 years. The mechanical engineer will have experience in the design at least three movable bridge drive systems within the last 10 years and experience with the commonly used bridge drive systems used within the last 30 years.~~

(d) Group 5. Bridge Inspection. This 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. 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: Conventional Bridge Inspection. This type of work 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: Movable Bridge Inspection. This type of work 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: Complex Bridge Inspection. This type of work includes inspection and load rating of all complex bridges except 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. Qualification Requirements. Types of ~~w~~Work 5.1, 5.2, 5.3, and 5.4: Bridge Inspection. This type of work requires at least one professional engineer registered with the Florida State Board of Professional Engineers, having experience appropriate to the sub-category requested. For types of work 5.1, 5.2, and 5.3, the engineer must have participated in field inspections meeting the requirements of the National Bridge Inspection Standards for the structure types in the sub-category for which qualification is requested. For type of work 5.4, the engineer must have performed a load rating of a bridge.

(e) Group 6. Traffic Engineering and Operations Studies. This work group includes 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 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.

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

a. Type of Work 6.1: Traffic Engineering Studies. This type 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 requires the consultant to make specific recommendations to improve the operational efficiency at a particular location.

b. Type of Work 6.2: Traffic Signal Timing. This type 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: Intelligent Transportation Systems Analysis, Design, and Implementation. This type 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 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. Qualification Requirements.

a. Type of Work 6.1: Traffic Engineering Studies. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having at least two years of post-registration demonstrated traffic studies experience.

b. Type of Work 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.

c. Type of Work 6.3: Intelligent Transportation Systems Analysis, Design, and Implementation. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having at least three years of post-registration demonstrated experience in the technical skill area for which qualification is requested ~~activities associated with intelligent transportation systems. These Restrictions to the type of intelligent transportation 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 are as follows:

(I) Intelligent Transportation Systems Analysis and Design. This type of work requires experience involving ~~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. ~~The consultant must also demonstrate~~ experience must also involve ~~with~~ traffic engineering software applications, freeway control software, and computerized timing programs.

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

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

(f) Group 7. Traffic Operations Design. This work group is defined as the production of competently engineered designs, and preparation of construction plans and specifications for a variety of traffic operations type work.

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

a. Type of Work 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: Lighting. This type of work includes designing, preparing construction plans, and writing specifications for roadway lighting improvements. Such work involves lighting calculations, pole location, foundation design, electrical circuit calculations, and power supply and distribution design, and requires a basic knowledge of traffic engineering studies.

c. Type of Work 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. Qualification Requirements. Qualification for this work group requires a professional engineer, registered with the Florida State Board of Professional Engineers, who has served in responsible charge of at least one project in the type of work, as defined above, for which qualification is requested.

~~a. Type of Work 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: 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.~~

~~e. Type of Work 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) Group 8. Surveying and Mapping. This work group includes surveying and mapping, as defined in Rule Chapter 61G17-6, F.A.C., required for the land acquisition, design, and construction of transportation 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 control 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.

(h) Group 9. Soil Exploration, Material Testing, and Foundations.

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

a. Type of Work 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: Geotechnical Classification Lab Testing. This type of work includes conducting tests on soil and rock according to Department approved specifications for the purpose of classifying materials. The methodology involved includes testing moisture content, grain size, Atterberg limits, compaction, and Limerock Bearing Ratio (LBR) tests.

c. Type of Work 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 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: 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 Department Standard Specifications for Road and Bridge Construction, 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. Qualification Requirements. For all sub-categories this work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having

a minimum of five years of demonstrated experience in the activities normally associated with the category(ies) under consideration.

a. Type of Work 9.1: Soil Exploration. The consultant must have document the availability of equipment (in-house or subcontracted) necessary to perform the work. ~~Documentation of availability includes equipment listings for exploration subcontractors who will be used on Department 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 subcontractor.

b. Type of Work 9.2: Geotechnical Classification Lab 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 addition, the consultant must have in-house the following equipment: oven, balance, stirring apparatus, hydrometer bulb, hydrometer bath, thermometer, sieves, sieve shaker, liquid limit device, grooving tool, pycnometer, molds, compaction hammer, straightedge, and LBR loading device with penetration piston.

c. Type of Work 9.3: Highway Materials Testing. Among the consultant's personnel, at least one individual must possess LBR Technician qualification, one individual must possess Asphalt Plant Level I qualification, one individual must possess Concrete Field testing Technician Level I qualification under the Department's Construction Training Qualification Program, 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 gyratory apparatus,~~ and ignition furnace.

d. 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) Group 10. Construction Engineering Inspection. This 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. Type of Work 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.

b. Type of Work 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 4.2, 4.3, and 4.4.

c. Type of Work 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. Qualification Requirements.

a. Type of Work 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: 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 of demonstrated major bridge construction inspection experience.

c. Type of Work 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.

(j) Group 11. Engineering Contract Administration and Management.

1. Type of Work: 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 ~~staff hour 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. Conduct 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. 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 4.1, 4.2, and 6.1, Group 7, and Type of Work 10.1. Firms deemed qualified in these groups and requesting qualification for Group 11 will be deemed qualified without a requirement to submit additional qualification documentation or materials.

(k) Group 13. Planning. This work group involves 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 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.

1. This group includes the following subcategories of qualification:

a. Type of Work 13.1: Reserved.

b. Type of Work 13.2: Reserved.

c. Type of Work 13.3: Policy Planning. This type of work involves transportation and transportation related planning activities in the broadest or most general way. 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. Included in this sub-category are development and refinement of statewide transportation plans or plan components, and activities involving the determination of the impacts and implications of policies, legislative 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. Type of Work 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 such as the development of long range transportation plans for an MPO, county, or region; or the development of an ITS Strategic Plan for a region. 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; development of ITS strategies; 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. Type of Work 13.5: Subarea/Corridor Planning. This type of work deals with planning for entire systems or portions of systems (one or several modes) of transportation covering a smaller portion of a geographic area than Systems Planning or for a specific transportation corridor. 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: 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; development of ITS strategies to maximize the operation of the corridor; 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 13.6: Land Planning/Engineering. This type of 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 and providing engineering opinions of site plans for feasibility and conformance with applicable codes and regulations; assessing the impact to drainage and environment; and preparing 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. Qualification Requirements

a. Type of Work 13.1: Reserved.

b. Type of Work 13.2: Reserved.

c. Type of Work 13.3: Policy Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least five years 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 13.4: Systems Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having

at least five years 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 at least five years training and experience in areas directly related to systems planning; or at least one planner, certified with the American Institute of Certified Planners, having at least five years training and experience in areas directly related to systems planning.

e. Type of Work 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 at least one year of post-registration 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 at least one year of 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 at least one year of training and experience in areas directly related to subarea/corridor planning.

f. Type of Work 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 a minimum of three years of 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 a minimum of three years of 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, a minimum of three years of 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 at least one year of post-registration demonstrated experience in activities associated with the collection of traffic data of a statistical nature that can be used in the Department's databases 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 at least one year of post-registration 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.

(l) 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 a minimum of documentation indicating five years of post-registration experience in commercial design and favorable references.

(m) 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. This type of work requires at least one landscape architect, registered with the Florida State Board of Landscape Architecture, with at least five years of post-registration experience in landscape architecture projects documentation of past projects and favorable references.

(p) Group 20. Appraisal Services.

1. 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" in which 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 objective and an unbiased analyses analysis, opinions, reviews, or conclusions 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. Such appraisal services must be in compliance with 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~~

~~2.3. 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.~~

(o) Group 21. Acquisition, Negotiation, Closing, and Order of Taking.

1. Type of Work. This work involves notifying all affected parties of their rights pursuant to Section ~~73.015~~ 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 ~~surveys to identify all businesses operating on property being acquired 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; ~~when applicable, making business damage counteroffers and conducting negotiations to settle business damage claims in accordance with state policies and procedures;~~ 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 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 a minimum, one real estate broker and one real estate salesperson 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.

(p) 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 Rule Chapter 14-102, F.A.C., 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.

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 Certified Public Accountant CPA to demonstrate previous experience in the preparation of accepted business damage estimate reports for the Department within the last three years immediately preceding application for qualification; or have served 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 ~~48~~ 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.

(q) 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 Relocation Needs Assessment Survey, 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. Advisory services, including personal interviews and coordination with displaced persons, must be provided to ~~ensure 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.

2. Qualification Requirements. This type of work requires a minimum of one full time employee with 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.

(r) Group 25. Right of Way Clearing and Leasing.

1. Type of Work: This 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 contracts for consultant services to perform asbestos surveys, preparing asbestos operation and maintenance plans, preparing asbestos abatement specifications, and performing air and asbestos project monitoring; preparing, obtaining, and managing departmental contracts for asbestos abatement services; preparing, obtaining, and managing departmental contracts for demolition and removal services; inspecting demolition sites and documenting demolition activities; and preparing, obtaining, and managing ~~Department 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 a minimum, one real estate broker and one real estate salesperson 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 managing 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, 8-2-01,\_\_\_\_\_.

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 ([www11.myflorida.com/procurement/](http://www11.myflorida.com/procurement/) ~~http://www.dot.state.fl.us/~~). A project may include the following:

1. Professional services associated with a specifically identified project.

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.

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 due to with unplanned cost increases.

4. 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 although the Department may extend the contract time for an additional five years in one year increments contingent upon satisfactory performance, unless extended to complete assignments previously authorized.

(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 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, 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. Consultants responding to advertisements for such non-standard types of work do not need to possess previous qualification.

(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 in the format and 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 possesses current qualification with the Department to perform the major type(s) of work specified in the advertisement. In order to be considered for selection, any consultant which does not possess current qualification to perform the major type(s) of work specified in the advertisement shall submit a completed Request for Qualification Package, including the required overhead audit (if applicable), on or before the date letters of response are due. A qualified consultant may use a qualified sub-consultant ~~another consultant~~ to meet the requirements of the major type(s) of work for which it is not currently qualified when responding to advertisements. ~~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 qualification 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 selection.

(c) If fewer than three consultants respond to the advertisement, the Department 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 the criteria in Section 287.055(4)(b), Florida Statutes. 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) 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 the technical qualifications of the selected consultant if the consultant is not currently qualified in the requested type of work.

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

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, 8-2-01, \_\_\_\_\_.

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

(1) The Department will, for good cause, deny or 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:

(a) One of the circumstances specified under Section 337.105(1)(a) through (i), Florida Statutes.

(b) The consultant defaulted on any Department contract, or the contract of any other governmental entity.

(c) 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.

(d) 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.

(e) Any other substantial reason established by the factual circumstances.

(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 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) Any decision by the Department to suspend, revoke, or deny a consultant's qualification will be provided to the consultant in accordance with Rule 28-106.111, F.A.C. The Department action will become final, unless a 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 filed with the Clerk of Agency Proceedings, 605 Suwannee Street, MS 58, Haydon Burns Building, Tallahassee, Florida 32399-0458. 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 in accordance with Section 337.165(2)(d), Florida Statutes.

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 Procurement 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, or employees or agents of it or any of its affiliates. The notification shall be forwarded to the Department of Transportation, Procurement Office, 605 Suwannee Street, MS 20, Haydon Burns Building, Tallahassee, Florida 32399-0450.

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, 8-2-01, \_\_\_\_\_.

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 for all contracts with a duration of 18 months or more. A final evaluation shall be conducted for all contracts within 30 days of approval of the final invoice for 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 qualified consultant named in the agreement for each major type of work performed. 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 into 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 a grading system for Schedule, Management, and Quality, except for Groups 10.1 and 10.2, which will be scored one composite grade. The scoring system for all work groups will be as follows:

- Excellent – 100 points
- Good – 90 points
- Average – 80 points
- Marginal – 70 points
- Unsatisfactory – 0-60 points

(a) The Schedule Grade. The schedule grade shall provide an indication of the consultant's compliance with the contract schedule.

(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.

(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 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 performed ~~made~~ by the Department's Resident Engineer within 30 days after final acceptance of the construction project. The resulting ~~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.

(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, initial and final ~~30%, 60%, and 90%~~ submittals, etc.; and
- (d) Requests from the consultant based on possible improved performance when its most recent grade was low.

(6) Evaluation Processing. The Department's project manager will prepare ~~submit~~ the completed consultant performance grade, interim or final, ~~to the Professional Services Administrator/Contractual Services Office~~ for entry into the Professional Services Information System. 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. 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 Procurement Office 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, 8-2-01,\_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Highway Traffic Safety Program  
 RULE CHAPTER NO.: 14-98

RULE TITLES: Application and Award Procedures  
 Forms  
 RULE NOS.: 14-98.005  
 14-98.008

PURPOSE AND EFFECT: Rules 14-98.005 and 14-98.008 are being amended to adopt a revised version of the Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, which was incorporated by reference in the April 16, 2002, amendment to Rule Chapter 14-98. The language had been proposed to be deleted from Paragraphs 38 and 39 of the Conditions of Agreement, but the version of the form showing that deletion had not been provided to the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: Rule Sections 14-98.005(7), 14-98.005(10), and 14-98.008(6) are amended to show the adoption of a revised version of Form 500-065-01.

SPECIFIC AUTHORITY: 334.044(2),(25) FS.

LAW IMPLEMENTED: 334.044(25) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-98.005 Application and Award Procedures.

(1) through (6) No change.

(7) Two copies of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 05/02 ~~04/02~~, will be sent to those applicants whose concept papers are selected for funding. Applicants whose concept papers were not selected for funding will be notified by the Office.

(8) through (9) No change.

(10) The Office shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working



**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

DOCKET NO.: 01-43R  
RULE CHAPTER TITLE: STATE BUFFER PRESERVES  
RULE CHAPTER NO.: 18-23  
RULE TITLES: Intent  
RULE NOS.: 18-23.002  
Limitations on Activities 18-23.007  
Determination and Applicability of Fines 18-23.010  
PURPOSE AND EFFECT: To clarify language in this chapter, especially within the prohibitions section; to remove obsolete language from this chapter, such as references to the Division of Marine Resources; to change the title of the chapter to address other lands managed by the Office of Coastal and Aquatic Managed Areas (CAMA); to add a section to the chapter specifying fines for violations of the chapter on lands managed by CAMA, including buffer preserves; to include in the chapter all uplands managed by CAMA, adding uplands leased to it by the Board of Trustees, spoil islands and natural state-owned islands in aquatic preserves to buffer preserves; to add and specify amounts of fines for violations of this chapter; and to make any other changes to this chapter that will assist in implementing Section 253.86, Florida Statutes, enacted in 2001.

SUBJECT AREA TO BE ADDRESSED: What CAMA-managed uplands consist of; and activities on and specific fines up to \$500 for violations on CAMA-managed uplands. Any area in any of this chapter may be addressed in furtherance of the purpose of this rulemaking.

SPECIFIC AUTHORITY: 253.86(1) FS.

LAW IMPLEMENTED: 253.86(1),(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. NOTE: Workshops for this chapter have already been scheduled for May 6-8, 2002, as noticed in the Florida Administrative Weekly and the Department of Environmental Protection's website at [www.dep.state.fl.us/](http://www.dep.state.fl.us/) on April 19, 2002.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alex M. Cordero, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Blvd., M.S. 235, Tallahassee, Florida 32399-3000. Phone: (850)488-3456 or SC 278-3456. Fax: (850)488-3896 or SC 278-3896. E-mail: [alex.cordero@dep.state.fl.us](mailto:alex.cordero@dep.state.fl.us).

THIS NOTICE AMENDS AND SUPERSEDES THE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED March 15, 2002.

**PUBLIC SERVICE COMMISSION**

DOCKET NO: UNDOCKETED  
RULE TITLE: Design and Construction of Plant  
RULE NO.: 25-4.036  
PURPOSE AND EFFECT: To incorporate the most recent editions of the National Electrical Safety Code and the National Electrical Code into the rule.  
SUBJECT AREA TO BE ADDRESSED: Design and Construction of telecommunications facilities.  
SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03 FS.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ray Kennedy, Division of Competitive Markets & Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**PUBLIC SERVICE COMMISSION**

DOCKET NO: UNDOCKETED  
RULE TITLES: Pay Telephone Service  
RULE NOS.: 25-24.515  
Rules Incorporated 25-24.585

PURPOSE AND EFFECT: To incorporate the most recent editions of the National Electrical Safety Code and the National Electrical Code into the rules.

SUBJECT AREA TO BE ADDRESSED: Design and Construction of telecommunications facilities.

SPECIFIC AUTHORITY: 350.127(2), 427.704(8) FS.

LAW IMPLEMENTED: 350.113, 364.016, 364.17, 364.18, 364.183, 364.185, 364.03, 364.035, 364.063, 364.337, 364.3375, 364.339, 364.345 FS.

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

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ray Kennedy, Division of Competitive Markets & Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

**Division of Workers' Compensation**

RULE TITLE: Florida Workers' Compensation Health Care Provider Fee For Service Reimbursement Manual  
 RULE NO.: 38F-7.020

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt by reference the Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, 2002 Edition, which contains reimbursement policies and maximum reimbursement allowances for physician services, non-physician services, pharmaceutical and medical supplies, as determined by the Three-Member Panel on April 23, 2002. The manual also provides basic instructions and information for providers and carriers in the preparation and reimbursement of bills for medical services. The Current Procedural Terminology (CPT®), 4th Edition, copyright 2001, American Medical Association; the Current Dental Terminology (CDT-3), 3rd Edition, copyright 1999, American Dental Association; and the 2002 HCPCS Level II Professional (HCPCS), 13th Edition, copyright 2001, Ingenix, are adopted as part of this rule.

SUBJECT AREA TO BE ADDRESSED: The reimbursement allowances for health care providers in the treatment of injured employees covered by the workers' compensation statute.

SPECIFIC AUTHORITY: 440.13(7),(8),(11)-(14), 440.591 FS.

LAW IMPLEMENTED: 440.13(6)-(8), (11)-(14) FS.

A RULE DEVELOPMENT WORKSHOP IS DEEMED NOT TO BE NECESSARY BY THE SECRETARY OF THE AGENCY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nancy M. Rice, Registered Nurse Consultant, Suite 101, Forrest Building, 2728 Centerview Drive, Tallahassee, FL 32399-0668, (850)410-1093

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental Resource Permits  
 RULE CHAPTER NO.: 40D-4  
 RULE TITLE: Permits Required  
 RULE NO.: 40D-4.041

PURPOSE AND EFFECT: The proposed amendment will delete subsection (3) of Rule 40D-4.041, F.A.C. This provision refers to old exemptions that were determined to be invalid and subsequently repealed.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment addresses the rule provisions that describe the activities for which Environmental Resource Permits are required.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.426, 373.427 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.041 Permits Required.

(1) through (2) No change.

~~(3) A permit may be required for surface water management systems exempt under subsections 40D-4.051(3) or (6), F.A.C., if the master drainage plan is altered so as to have an adverse impact on the off site water resources in the District.~~

(4) through (6) renumbered (3) through (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History-Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1), (2), (4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Standard General Environmental Resource Permits  
 RULE CHAPTER NO.: 40D-40

RULE TITLE: Conditions for Issuance of Standard General Permits  
RULE NO.: 40D-40.302

PURPOSE AND EFFECT: The proposed amendments to Rule 40D-40.302, F.A.C., will exclude ditches constructed in uplands and wholly owned isolated wetlands and other surface waters, that are less than one half acre in size and for which no mitigation is required, for purposes of determining whether a proposed activity qualifies for a Standard General Environmental Resource Permit.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments address the conditions for issuance of standard general environmental resource permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-40.302 Conditions for Issuance of Standard General Permits.

In order to qualify for a standard general permit for construction and operation under this chapter, the applicant must give reasonable assurances that the surface water management system meets all conditions of subsection 40D-40.302(1), F.A.C., ~~and all thresholds in subsection 40D-40.302(2), F.A.C.,~~ and conditions of at least one other subsection. To obtain a standard general site conditions assessment permit under this chapter, the applicant must provide reasonable assurances that all conditions of subsection 40D-40.302(5), F.A.C., are met.

(1) ~~General~~ Conditions.

(a) The surface water management system must meet the conditions specified in Rules 40D-4.301 and 40D-4.302, F.A.C.

(b) The permittee must have obtained a Works of the District permit or other approval from the District if the permittee proposes to connect to, place structures in or across, or otherwise make use of works owned by the District.

(2) Thresholds.

(a) No change.

(b) Construction or alteration of a system, including dredging or filling to occur in, on or over a total of one acre or less of wetlands and other surface waters. For this purpose, calculation of the one acre area shall not include:

1. Ditches that were originally constructed in uplands.

2. Any wholly owned, isolated wetland or other surface water less than one-half acre in size and for which mitigation is not required.

(c) No change.

(3) through (4) No change.

(5) Conditions for a Standard General Site Conditions Assessment Permit.

(a) through (b) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Miscellaneous Provisions  
RULE CHAPTER NO.: 40E-7

RULE TITLE: Scope and Applicability  
RULE NO.: 40E-7.520

PURPOSE AND EFFECT: This rule development concerns proposed revisions to the document entitled, "Public Use Guide for Designated Land Management Areas" (PUG). This document is incorporated by reference in Rule 40E-7.520, F.A.C. The proposed revisions provide that lands acquired by the District under the Save Our Rivers and Preservation 2000 programs are made available to the public for recreational use and enjoyment, while protecting natural resources and ecosystems. Regulations concerning the use of certain existing management areas are to be amended and new management areas are to be added, and others may be deleted.

SUBJECT AREA TO BE ADDRESSED: Changes to the rule and PUG may be considered based upon the Rule Development process, including public input and additional staff analysis.

SPECIFIC AUTHORITY: 259.101, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 259.101, 373.016, 373.056, 373.103, 373.1391, 373.1395, 373.1401, 373.59 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 7:00 p.m., May 17, 2002

PLACE: South Florida Water Management District, Okeechobee Service Center, 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34973-2033

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Fred Davis, South Florida Water Management District, Post



Office Box 24680, Mail Stop Code 5720, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6636, or (561)682-6636 (*internet: fdavis@sfwmd.gov*)

Although Governing Board meetings, hearings, and workshop are normally recorded, affected person are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Person with disabilities who need assistance may contact the District Clerk, at (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Probable Cause Panel  
 RULE NO.: 61H1-19.007

PURPOSE AND EFFECT: This rule is being amended pursuant to section 455.225(4), F.A.C., to set forth the Board’s authority to appoint more than one probable cause panel and the criteria for same.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panels.

SPECIFIC AUTHORITY: 120.53, 455.225, 455.225(4), 473.304 FS.

LAW IMPLEMENTED: 455.013, 455.225, 455.225(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Martha Willis, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite #1, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-19.007 Probable Cause Panel.

(1) through (4) No change.

(5) The Chairman, at his discretion, shall, as needed, appoint multiple probable cause panels which panels shall be constituted as set forth in subsection (2) above.

Specific Authority 120.53, 455.225, 455.225(4), 473.304 FS. Law Implemented 455.013, 455.225, 455.225(4) FS. History–New 12-4-79, Formerly 21A-19.07, Amended 12-2-92, Formerly 21A-19.007, Amended

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Continuing Education for Licensure Renewal  
 RULE NO.: 64B10-15.001

PURPOSE AND EFFECT: To update CE course requirements to include a course on medication errors as required by chapter 456.033, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements.

SPECIFIC AUTHORITY: 456.033, 468.1685(1), 468.1715, 468.1725 FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 468.1715(3), 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Cypress Way, Bin C04, Tallahassee, Florida 32399-1753

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health And Statewide Programs**

RULE CHAPTER TITLE: Clean Indoor Air Act  
 RULE CHAPTER NO.: 64E-25

RULE TITLES: Procedures to be Followed by DOH

Personnel When Investigating Florida

Clean Indoor Air Act Complaints and

Notifying Alleged Violators 64E-25.001

On-Site Investigations of Public Places 64E-25.002

DOH Procedures for Responding to

Complaints and Complaint Referrals

Involving Public Places 64E-25.003

PURPOSE AND EFFECT: The Bureau of Facility Programs of the Division of Environmental Health announces its intent to amend Rules 64E-25.001, .002 and .003, F.A.C. This rule amendment will inform the public how to make a complaint regarding noncompliance of the Florida Clean Indoor Air Act. Will make more coherent uniform procedures to be followed by DOH personnel in investigating complaints, and notifying alleged violators.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will address how the public can make a complaint regarding violations of the Florida Clean Indoor Air Act. The

amendments will also specify uniform procedures to be followed by DOH personnel when conducting on-site investigations regarding noncompliance of the law.

SPECIFIC AUTHORITY: 386.207 FS.

LAW IMPLEMENTED: 381.0012, 386.205, 386.206 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Arnold, Bureau of Facility Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (800)337-3742

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

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Historical Resources

RULE TITLES:

Grant Funding

Application Requirements

RULE NOS.:

1A-35.005

1A-35.007

PURPOSE AND EFFECT: The proposed revisions amend the applications incorporated into this rule to remove obsolete sections of the application, to and obtain more information for each application to streamline application review procedures. To revise the grant award agreements incorporated into this rule. To change references to the Historic Preservation Advisory Council to be in conformance with amendments to Section 267.0612, F.S., provide for a waiver of financial match requirements on Division grant programs for rural communities.

SUMMARY: Proposed amendments will incorporate revised Grant Award Agreements and grant application forms, replaces references to the former Historic Preservation Advisory Council with the Florida Historical Commission and Grant Review Panels in conformance with Section 267.0612, F.S., updates references to the National Register Programs Guidelines, NPS 49, 1995, to the current Historic Preservation Fund Grants Manual, 1997, specifies statewide preservation priorities, and provides for a waiver of financial match requirements on Division grant programs for rural communities.

SUMMARY OF STATEMENT OF ESTIMATED

REGULATORY COST: The proposed revisions do not incur any regulatory costs.

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: 267.031(1) FS.

LAW IMPLEMENTED: 267.0617(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY ON JUNE 7, 2002.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert C. Taylor, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333

THE FULL TEXT OF THE PROPOSED RULES IS:

1A-35.005 Grant Funding.

(1) Source of Grant Funds.

(a) No change.

(b) Federal funds for historic preservation grants-in-aid are apportioned to the State of Florida by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act, and are deposited in the Historical Resources Operating Historic Preservation Trust Fund pursuant to Section 267.0617, Florida Statutes.

(c) The use of federal funds provided by the U.S. Department of the Interior for historic preservation grants-in-aid is subject to the policies, procedures, and guidelines set forth by that agency in the 1997 1995 edition of the Historic Preservation Fund Grants Manual National Register Programs Guideline, NPS 49, incorporated by reference. A copy of the manual guideline may be obtained by writing or calling the Bureau of Historic Preservation and paying the cost of copying.

(d) State funds consist of funds in the Historical Resources Operating Historic Preservation Trust Fund which have been appropriated by the Florida Legislature, made available from dedicated sources, donated pursuant to Section 550.0351(2), F.S., or contributed from any other public or private source, except those federal funds for grants-in-aid received from the U.S. Department of the Interior, pursuant to the National Historic Preservation Act.

(e) An entity funded by the Florida Legislature outside the review of the Grant Review Panel, Florida Historical Commission, or Secretary of State shall not be eligible to receive historic preservation grant assistance from the Division for the same project within the same fiscal year in which the legislative funding is made available.

(2) Funding Categories.

(a) No change.