

Wildlife Conservation Commission, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-44.008 ~~Prohibited Protected Species:—Sawfishes, Basking Shark, Whale Shark, White Shark, Sand Tiger Shark, Bigeye Sand Tiger Shark, Spiny Dogfish, Manta Ray, and Spotted Eagle Ray; Prohibition of Harvest, Landing, and Sale.~~

~~(+) No person shall harvest, possess, land, purchase, sell, or exchange any Pursuant to Section 370.027(2)(f), Florida Statutes, the smalltooth sawfish (*Pristis pectinata*), largetooth sawfish (*Pristis pristis*), basking shark (*Cetorhinus maximus*), whale shark (*Rhincodon typus*), white shark (*Carcharodon carcharias*), sand tiger shark (~~*Odontaspis*~~ *Carcharias taurus*), bigeye sand tiger (*Odontaspis noronhai*), Atlantic angel shark (*Squatina dumeril*), bigeye sixgill shark (*Hexanchus nakamurai*), bigeye thresher shark (*Alopias superciliosus*), bignose shark (*Carcharhinus altimus*), Caribbean reef shark (*Carcharhinus perezi*), dusky shark (*Carcharhinus obscurus*), Galapagos shark (*Carcharhinus galapagensis*), longfin mako shark (*Isurus paucus*), narrowtooth shark (*Carcharhinus brachyurus*), night shark (*Carcharhinus signatus*), sevengill shark (*Hepttranchias perlo*), sixgill shark (*Hexanchus griseus*), and smalltail shark (*Carcharhinus porosus*), spiny dogfish (*Squalus acanthias*), manta ray (species of the genus *Manta* and *Mobula*), ~~or and~~ spotted eagle ray (*Aetobatus narinari*), ~~or any part of any of these species are hereby declared and designated protected species. The purposes of this designation are to increase public awareness of the need for extensive conservation action in order to prevent these resources from becoming endangered and to encourage voluntary conservation practices.~~~~

~~(2) No person shall harvest, possess, land, purchase, sell, or exchange any smalltooth sawfish, largetooth sawfish, basking shark, whale shark, white shark, sand tiger shark, bigeye sand tiger shark, spiny dogfish, manta ray, or spotted eagle ray, or any part of any of these species.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 1-1-98, Formerly 46-44.008, Amended 7-1-03,_____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Informal Conferences
 PURPOSE AND EFFECT: To conform the rule to the new organization of the Office of Insurance Regulation and to make the rule come into accord with the implemented statute, Section 624.319, F.S.
 SUBJECT AREA TO BE ADDRESSED: Informal Conferences.

RULE NO.: 69N-121.066

SPECIFIC AUTHORITY: 120.05(5), 120.53, 624.308 FS.
 LAW IMPLEMENTED: 120.53, 120.54, 120.56, 120.57, 120.58, 624.307(1), 624.319, 624.324 FS.

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

TIME AND DATE: 9:30 a.m., January 6, 2006
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail bob.prentiss@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

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

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:	RULE NOS.:
Standards	5F-2.001
Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2	5F-2.002
Registration and Identification	5F-2.003
Adoption of the General Code and the Codes of Liquid Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid Measuring Devices, Hydrocarbon Gas Vapor Measuring Devices, Vehicle Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44	5F-2.014
Guidelines for Imposing Administrative Penalties	5F-2.016

PURPOSE AND EFFECT: In the title section, the title of Rule 5F-2.002, F.A.C., “Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. Numbers 1-D and No. 2-D, and Fuel Oils No. Numbers 1 and No. 2” is changed to reflect the terminology used by ASTM International.

The purpose of amending Rule 5F-2.001, F.A.C., is to adopt the 2005 edition of the chemical and physical standards set forth in ASTM International; update the legal name of the referenced organization to ASTM International from the American Society for Testing and Materials; and add definitions and testing standards for new fuels on the market, defined as "alternative fuels." The latter will protect the consumer from purchasing substandard alternative fuels should they enter the motor fuel market in Florida. The standards will provide guidance for quality testing of regulated motor fuel products. The effect will be that the Department will use the most recent nationally recognized standards for motor fuel products developed by a consensus organization.

The purpose of amending Rule 5F-2.002, F.A.C., is to reflect the new terminology used by ASTM International in its latest version and add disposition of below standard alternative fuels. For the former, the effect is to bring us in line with current terminology; for the latter to provide disposition rules for alternative fuels similar to the other fuels currently covered in this section.

The purpose of amending Rule 5F-2.003, F.A.C., is to add labeling requirements for the sale of different grades of diesel fuel and alternative fuels. Changes to the sulfur requirements for diesel fuels; the necessity to specify the alcohol content in alcohol blended fuels; and the introduction of alternative fuels on the market prompted this amendment. The effect is to provide the consumer with the information to make an informed choice that may be critical to the function of the vehicle when purchasing fuel in Florida.

The purpose of amending Rule 5F-2.014, F.A.C., is to adopt the 2006 edition of National Institute of Standards and Technology (NIST) Handbook 44, which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the incorporation of the most recent nationally recognized specifications and testing criteria for measuring devices developed by a consensus organization.

The purpose and effect of amending Rule 5F-2.016, F.A.C., is to update the matrix table that defines the administrative fines as described in Section 525.16, F.S.

SUMMARY: Proposed Rule 5F-2.001, F.A.C., adopts the 2005 edition of the chemical and physical standards set forth in ASTM International; updates the legal name of the referenced organization to ASTM International from the American Society for Testing and Materials; and adds definitions and testing standards for new fuels on the market, defined as alternative fuels and adds disposition of below standard alternative fuels.

Proposed Rule 5F-2.002, F.A.C., reflects the new terminology used by ASTM International in its latest version. The effect is to bring us in line with current terminology.

Proposed Rule 5F-2.003, F.A.C., adds labeling requirements for the sale of different grades of diesel fuel; and alternative fuels. These additions reflect changes to the sulfur requirements for diesel fuels; specify the alcohol content in alcohol blended fuels; and present labeling requirements for new and alternative fuels on the market.

Proposed Rule 5F-2.014, F.A.C., adopts the 2006 edition of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of *National Institute of Standards and Technology Handbook*. These are the accepted standards for implementation of Chapter 525, F.S.

Proposed Rule 5F-2.016, F.A.C., updates the matrix table that defines the administrative fines as described in Section 525.16, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None

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

SPECIFIC AUTHORITY: 525.037, 525.14, 525.16, 526.09, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.035, 525.037, 525.07, 525.14, 526.16, 526.01(1), (3), 531.40 FS.

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

TIME AND DATE: 10:00 a.m., Friday, January 6, 2006

PLACE: Eyster Auditorium, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, phone: (850)488-9740

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 4814-04b ~~D 4814-04b~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 4814-04b ¹~~D 4814-04b~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

(c) No person shall sell or offer for sale gasoline in this state that does not comply with the following requirements:

1. The total ethanol content of gasoline shall not exceed ten percent (10.0%), by volume;

2. The total methanol and co-solvents content of gasoline shall not exceed ten percent (10.0%), by volume;

3. The total methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed fifteen percent (15.0%), by volume;

4. The total ethanol and methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed twelve percent (12.0%), by volume.

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 3699-04 ¹~~D 3699-03~~, “Standard Specification for Kerosine.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 3699-04 ¹~~D 3699-03~~, “Standard Specification for Kerosine.”

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 975-04c ¹~~D 975-03~~, “Standard Specification for Diesel Fuel Oils.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 975-04c ¹~~D 975-03~~, “Standard Specification for Diesel Fuel Oils.”

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 396-04 ¹~~D 396-02a~~, “Standard Specification for Fuel Oils.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 396-04 ¹~~D 396-02a~~, “Standard Specification for Fuel Oils.”

(5) Alternative Fuels.

(a) Methanol, denatured ethanol, or other alcohols:

1. Denatured Ethanol

a. Standards. All denatured fuel ethanol shall conform to the chemical and physical standards for denatured fuel ethanol as set forth in the ASTM International designation D 4806-04a, “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.”

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 4806-04a, “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.”

(b) Mixtures containing 85% or more by volume of methanol, denatured ethanol, or other alcohols with gasoline or other fuels, or such other percentage, but not less than 70%, as determined by the department by rule, to provide for requirements relating to cold start, safety, or vehicle functions:

1. E85 Fuel Ethanol. The following specifications apply to E85 Fuel Ethanol sold or offered for sale in Florida.

a. Standards. All E85 Fuel Ethanol shall conform to the chemical and physical standards for Fuel Ethanol as set forth in the ASTM International designation D 5798-99, “Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines.”

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5798-99, “Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines.”

2. M85 Fuel Methanol. The following specifications apply to M85 Fuel Methanol sold or offered for sale in Florida.

a. Standards. All M85 Fuel Methanol shall conform to the chemical and physical standards for Fuel Methanol as set forth in the ASTM International designation D 5797-96, “Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines.”

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5797-96, “Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines.”

(c) Hydrogen;

(d) Coal-derived liquid fuels;

(e) Fuels, other than alcohol, derived from biological materials;

1. Biodiesel fuel blend stock (also referred to as biodiesel or B100). The following specifications apply to biodiesel sold or offered for sale in Florida.

a. Standards. Biodiesel shall meet the specifications set forth by ASTM International designation D 6751-03a, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D6751-03a, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

2. Biodiesel blends (biodiesel blended with diesel fuel). The following specifications apply to biodiesel blends sold or offered for sale in Florida. Biodiesel blends cannot contain more than 20% biodiesel.

a. Standards. Biodiesel blends shall meet the specifications set forth by ASTM International designation D 975-04c¹, "Standard Specification for Diesel Fuel Oils."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 975-04c¹, "Standard Specification for Diesel Fuel Oils."

(f) Electricity, including electricity from solar energy; and

(g) Any other fuel determined by the department by rule.

(6)(5) Water in Retail Storage Tanks. Water in storage tanks containing products enumerated in this section and from which products are sold at retail shall not exceed two inches in depth when measured from the bottom of the tank.

(7)(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from ASTM International the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) ASTM International American Society for Testing and Materials D 4814-04b ¹D 4814-04b, "Standard Specification for Automotive Spark-Ignition Engine Fuel";

(b) ASTM International American Society for Testing and Materials D 3699-04 ~~D 3699-03~~, "Standard Specification for Kerosene";

(c) ASTM International American Society for Testing and Materials D 975-04c ¹D 975-03, "Standard Specification for Diesel Fuel Oils";

(d) ASTM International American Society for Testing and Materials D 396-04 ~~D 396-02a~~, "Standard Specification for Fuel Oils";

(e) ASTM International designation D 4806-04a, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(f) ASTM International D 5798-99, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines";

(g) ASTM International D 5797-96, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines";

(h) ASTM International designation D6751-03a, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05, _____.

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils ~~No. Numbers~~ 1-D and No. 2-D, and Fuel Oils ~~No. Numbers~~ 1 and ~~No. 2~~.

(1) GASOLINE.

(a) Gasoline found below the standard by reason of containing water, sediment, or suspended matter shall be withheld from sale to the public by the Department of Agriculture and Consumer Services until brought up to standard.

(b) Gasoline found below standard because of an Antiknock Index more than one (1.0), but not more than two (2.0), below the Antiknock Index displayed on the dispenser shall be withheld from sale to the public until it has been brought up to standard; or the Department may release it for sale to the public as a product of lesser quality, or to the owner for use in his own equipment.

(c) Gasoline found below standard for reasons other than those enumerated in paragraphs (1)(a) and (b) shall be subject to penalties provided in Section 525.16, Florida Statutes.

(2) KEROSENE.

(a) Kerosene found below standard by reason of containing water, sediment, suspended matter, or failing to meet the standard for color shall not have an assessment levied by the Department, but shall be withheld from sale to the public until brought up to standard.

(b) Kerosene found below standard for reasons other than those enumerated in paragraph (2)(a) shall be subject to penalties provided in Chapter 525.16, Florida Statutes.

(3) DIESEL FUEL OILS ~~No. NUMBERS~~ 1-D and ~~No. 2-D~~ and FUEL OILS ~~No. Numbers~~ 1 and ~~No. 2~~.

(a) Diesel fuel oils and fuel oils found below standard by reason of containing excessive amounts of water and sediment shall not have an assessment levied but shall be withheld from sale to the public until they are brought up to standard.

(b) Diesel fuel oil ~~No. number~~ 2-D found below the flash point, standard but not below 100°F, shall not have an assessment levied but shall be withheld from sale to the public until brought up to standard.

(c) Diesel fuel oils No. numbers 1-D and No. 2-D, and fuel oils No. 1 and No. 2 ~~Numbers 1 and 2~~ found below standard for reasons other than those enumerated in paragraph (3)(a) and (b) shall be subject to the penalties as provided in Chapter 525.16, Florida Statutes.

(4) ALTERNATIVE FUELS.

(a) Alternative Fuels found below standard shall be withheld from sale to the public until brought up to standard.

(b) Alternative Fuels found below standard shall be subject to the penalties as provided in Section 525.16, Florida Statutes.

Specific Authority 525.037, 525.14, 525.16 FS. Law Implemented 525.037, 525.16 FS. History—Amended 7-1-71, 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, _____.

5F-2.003 Registration and Identification.

(1) The Department of Agriculture and Consumer Services will furnish on request Form DACS-03202 for making statements and affidavits required in Section 525.01, Florida Statutes. Form DACS-03202 is effective 11-29-94 (Rev. 6/01), and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Standards, Bureau of Petroleum Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

(2) Every retail gasoline dispenser shall have the octane rating of the gasoline being sold therefrom conspicuously and firmly posted in a manner conforming with 16 Code of Federal Regulations Part 306 (1-1-93 Edition) which is hereby adopted by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) Every retail gasoline dispenser shall have the grade designation of the gasoline being sold therefrom conspicuously and firmly attached thereto. The octane rating of gasoline sold using the following grade designations must meet the minimum octane rating indicated:

<u>Grade Designation</u>	<u>Minimum Octane Rating</u>
Premium, Super, Supreme, High Test	91
Midgrade, Plus	89
Regular, Unleaded	87

(4) All racing gasoline or gasoline designed for special use that is kept, offered, or exposed for sale, or sold at retail that does not meet standards established in subsection 5F-2.001(1), F.A.C.:

(a) May not be advertised or represented, in writing or orally, to be suitable for use in ordinary motor vehicles or boat motors;

(b) Shall be accompanied by a conspicuous sign on the dispenser stating that the product does not meet gasoline specifications; and

(c) May not be dispensed into vehicles or boats unless the appearance of said vehicles or boats indicate they are used primarily for racing or special purposes.

(5) Every retail kerosene dispenser or container-package of kerosene offered for sale at retail shall be conspicuously labeled “kerosene” immediately followed by the designation: 1-K or 2-K, whichever is applicable.

(6) Beginning June 1, 2006, every retail diesel fuel dispenser shall have the proper grade designation to indicate the sulfur content of the diesel fuel being sold therefrom conspicuously and firmly attached thereto. Lettering must be in block letters of no less than 24-point bold type and printed in a color contrasting the background. The label shall be placed on the vertical surface of each dispenser housing on each side that has measure and price meters. The label shall be on the upper two-thirds of the dispenser and clearly visible to anyone dispensing fuel from the dispenser. The label shall include all of the following text relating to the grade of diesel fuel sold through the dispenser:

(a) For all ultra-low sulfur highway diesel fuel:
ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)
Required for use in all model year 2007 and later highway diesel vehicles and engines.
Recommended for use in all diesel vehicles and engines.

(b) For all low sulfur highway diesel fuel:
LOW SULFUR HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)
WARNING – Federal law prohibits use in model year 2007 and later highway vehicles and engines. Its use may damage these vehicles and engines.

(c) For all non-highway diesel fuel:
NON-HIGHWAY DIESEL FUEL (5000 ppm Sulfur Maximum)
WARNING – Federal law prohibits use in highway vehicles and engines. Its use may damage these vehicles and engines.

(7)(6) All gasoline motor fuel kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 10% by volume of ethanol, methanol, or a combination shall be identified as “contains 10% or less or 1-10% ethanol,” “contains 10% or less or 1-10% methanol,” or “contains 10% or less or 1-10% ethanol/methanol” on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(8) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 10% ethanol, methanol or other alcohol shall be identified by a name indicating the amount and type(s) of ethanol, methanol or other alcohol in the fuel and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price

meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Ethanol mixed with gasoline and containing an ethanol content of 85% or more, but no less than 70%, shall be identified as “E85 Fuel Ethanol.”

(b) Methanol mixed with gasoline and containing a methanol content of 85% or more, but no less than 70%, shall be identified as “M85 Fuel Methanol.”

(c) Alcohol (other than methanol or ethanol) mixed with gasoline and containing an alcohol content of 85%, but no less than 70%, shall be identified in a similar fashion as those in paragraphs (a) and (b).

(9) All biodiesel or biodiesel blends kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as “Biodiesel Blend (BXX),” where XX represents the volume percent biodiesel in the biodiesel blend, and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Every biodiesel or biodiesel blend dispenser dispensing fuel with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT WITH YOUR ENGINE MANUFACTURER OR OWNER’S MANUAL BEFORE USING THIS PRODUCT.

(10) Any other alternative fuel as defined by this section shall be labeled clearly and unambiguously on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

Specific Authority 525.14, 526.09 FS. Law Implemented 525.01, 525.035, 525.14, 526.01(1), (3) FS. History—Amended 12-31-74, 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring

devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2006 2004 Edition, published by U.S. Department of Commerce are adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or at <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04.

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	<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%
Silver Corrosion			all violations

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	
Sulfur			all violations
Lubricity			all violations

- b. No change.
- 2. through 4. No change.

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History--New 2-24-00, Amended 7-30-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew D. Curran, Ph.D.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul N. Driggers, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specialization Requirements for Certification in Educational Media Specialist (Grades PK-12) – Specialty Class

RULE NO.: 6A-4.0251

PURPOSE AND EFFECT: The purpose of the rule amendment is to propose changes in the certification requirements for school educational media specialists. The effect will be a rule that incorporates the recommended changes supported by various constituent groups.

SUMMARY: The proposed changes in certification are to require a master’s or higher degree in educational media or library information studies and to add requirements for providing reading instruction for students in support of increased student achievement.

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

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.
LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., January 17, 2006
PLACE: Valencia Community College, East Campus, 701 N. Econlockhatchee Trail, Bldg. 5, Room 112, Orlando, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Stewart, Deputy Chancellor Educator Quality, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400. (850)245-0420

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0251 Specialization Requirements for Certification in Educational Media Specialist (Grades PK-12) – Specialty Class.

(1) Plan One. A ~~master's~~ bachelor's or higher degree with ~~an undergraduate or a graduate~~ major in educational media or library/information studies, ~~science~~, or

(2) Plan Two. A ~~master's~~ bachelor's or higher degree with thirty (30) semester hours in educational media or library/information studies ~~science~~ to include credit in the areas specified below:

(a) ~~Administration Management~~ of library media programs;

(b) ~~Resource Management Collection—development~~. Courses content in this area includes: evaluation, selection, and maintenance of library media resources in print, ~~and~~ nonprint, and digital formats;

(c) Library media resources. Courses content in this area includes: literature in ~~both~~ print, ~~and~~ nonprint, and digital formats for both children and young adults ~~adolescents~~;

(d) ~~Information Reference~~ resources and services. Courses content in this area includes: print, ~~and electronic~~ nonprint, and digital K-12 resources ~~and techniques for providing information services; strategies for providing information skills instruction; and reference guidance;~~

(e) Organization of collections. Courses content in this area includes: classification and cataloging principles and techniques; ~~and, automated systems management and instructional applications;~~

(f) Instructional media. Course content in this area includes: use, design, and production of print, nonprint, and digital forms of media and emerging technologies and trends; ~~Design and production of educational media.~~

(g) Reading process. Course content in this area includes: understanding reading as a process of student engagement in both fluent decoding of words and construction of meaning; and

(h) Reading research. Course content in this area includes: principles of scientifically-based reading research as it applies to comprehensive instruction of the major components of the reading process.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History--New 7-1-92, Amended 7-17-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beverly Gregory and Nancy Teger, Department of Education, Division of K-12 Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Stewart, Deputy Chancellor Educator Quality, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Approval of Educator Preparation Programs

RULE NO.: 6A-5.066

PURPOSE AND EFFECT: This rule is substantially rewritten to streamline approval processes for all teacher preparation programs offered in Florida and align data collection across programs based upon program outcomes.

SUMMARY: This rule sets forth the requirements and implementation of the approval process for each type of educator preparation program offered by a Florida postsecondary institution or public school district.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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 the notice.

SPECIFIC AUTHORITY: 1001.04, 1004.85, 1012.56 FS.

LAW IMPLEMENTED: 1004.04, 1004.85, 1012.56 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., January 17, 2006

PLACE: Valencia Community College, East Campus, 701 N. Econlockhatchee Trail, Bldg. 5, Room 112, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Stewart, Deputy Chancellor K-12 Educator Quality, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-5.066 follows. See Florida Administrative Code for present text.)

6A-5.066 Approval of Educator Preservice Teacher Preparation Programs.

The Florida Legislature and State Board of Education recognize multiple pathways for demonstrating the standards required to qualify for a Professional Florida Educator's Certificate. This rule sets forth the requirements and implementation of the approval process for each type of educator preparation program offered by a Florida postsecondary institution or public school district. Each institution offering any program prescribed in this section shall report to the Department annually the number of participants enrolled in each program and the number of program completers.

(1) Initial Teacher Preparation Programs.

(a) General Criteria. The Department of Education is authorized pursuant to Section 1004.04, Florida Statutes, to approve initial teacher preparation programs and to grant extensions of approvals in accordance with the provisions of this rule. Initial Teacher Preparation Programs include all programs that prepare instructional personnel and result in qualification for an initial Professional Florida Educator's Certificate in the program area(s). Each approval or extension shall be for the period of time determined by the Department of Education but shall not exceed seven (7) years.

1. An institution eligible to offer one or more approved programs shall be a Florida public or nonpublic institution that requests approval of an initial educator preparation program, has legal authority to grant appropriate baccalaureate or post-baccalaureate degrees for an area of certification specified in Chapter 6A-4, FAC., and

a. Is a member of the State University System of Florida and is accredited by the Southern Association of Colleges and Schools or is a newly-created state institution and meets approval requirements described in Rule 6A-4.003, FAC., or

b. Is a member of the Independent Colleges and Universities of Florida and is accredited by the Southern Association of Colleges and Schools, or

c. Is a community college with approval from the State Board of Education to offer baccalaureate degrees in education.

2. Each institution shall designate to a college, school, department, or division, the responsibility for coordinating the planning and administering of all initial teacher preparation programs offered by the institutions, shall provide for the endorsement of transcripts for candidates who complete the program, and shall be responsible for travel, food, and lodging expenses for members of the site visit evaluation team, as necessary.

(b) Uniform Core Curricula. A uniform core curriculum is established pursuant to Section 1004.04, Florida Statutes, which must be provided by each institution with an approved program and shall include:

1. The competencies contained in the Florida Educator Accomplished Practices at the preprofessional level as prescribed in Rule 6A-5.065, FAC.

2. The Competencies and Skills for Teacher Certification as prescribed in Rule 6A-4.0021, FAC., and

3. Scientifically-based reading instructional methods appropriate to the candidate's subject area(s) as follows:

a. Candidates in pre-kindergarten-primary, elementary and exceptional student education shall be prepared in reading competencies one (1) through five (5) of the State Board approved reading endorsement, or

b. Candidates in middle grades, secondary, and K-12 special area certification programs shall be prepared in state-approved competencies 1 (one) and 2 (two) of the State Board approved reading endorsement;

4. Additional content and instructional practices listed in Subsections 1004.04(2),(3), and (5), Florida Statutes.

(c) Initial State Program Approval. Each institution seeking initial approval of an initial teacher preparation program shall submit a request in writing from the chief executive officer to the Commissioner specifying the certification areas and levels for which approval is sought and providing evidence of all of the following:

1. The institution has adopted a program philosophy and objectives which directly respond to needs assessed and projected for educators both in the institution's local service area(s) and the state as a whole.

2. The institution has established a comprehensive program that meets the following requirements:

a. Admits only candidates who meet admission requirements described in Subsection 1004.04(4), Florida Statutes. Candidates in graduate level programs may demonstrate mastery of general knowledge for admission purposes by presenting a composite quantitative-verbal score of one thousand (1000) on the Graduate Record Exam (GRE);

b. Provides instruction in and assesses each candidate's performance in demonstrating the competencies of the Uniform Core Curricula described in paragraph (1)(b) of this rule, so that candidates will be prepared to teach students from diverse cultures and of varying exceptionalities and performance levels, all in a variety of settings, including high-need schools. The program description must include in which courses the Uniform Core Curricula competencies will be taught and assessed.

c. Prepares all candidates to continually assess student progress in a variety of ways and to base instructional practice on analysis of student data;

d. Provides for field experiences in K-12 classroom settings as described in Subsection 1004.04(6), Florida Statutes, throughout the program, including a culminating experience of no less than ten (10) weeks in duration;

e. Endorses as program completers only candidates who demonstrate the Educator Accomplished Practices at the preprofessional level through the required field experiences and earn passing scores on all portions of the Florida Teacher Certification Examination (FTCE) required in Section 1012.56, Florida Statutes;

3. The institution has employed faculty who meet the requirements of Subsection 1004.04(6), Florida Statutes, and who document more than one (1) instance of onsite participation in one (1) or more K-12 school settings during the regular school year. Activities must be related to the preparation course(s) they teach.

4. The institution has a means for collecting performance data on admitted candidates and program completers as prescribed in Subsections 1004.04(4) and (5), Florida Statutes.

5. The institution has developed a plan for providing additional support and/or remediation of program completers in their first two (2) years of teaching pursuant to Subsection 1004.04(5), Florida Statutes. Such plan must be primarily based upon the achievement data of the students that the program completer teaches. The individualized plan provided to the program completer in need of remediation must include instruction and mentoring at the school site where the completer is employed, and shall not include the same course or courses already completed by the teacher while she/he was a candidate in the program.

6. The institution publishes a document or documents that describe(s) the qualitative and quantitative requirements for initial educator preparation program completion, including the means and courses through which the Uniform Core Curricula competencies are assessed. Based upon the recommendations of a review team, the Commissioner shall notify the institution in writing of the approval or denial of approval for each initial educator preparation program included in the request. A denial of approval shall include identification of specific areas of program weakness that must be corrected prior to reconsideration of approval. For programs receiving initial approval, the institution shall be appraised of the requirements for continued approval.

(d) Continued program approval.

1. Continued approval of each initial educator preparation program shall be based upon the Department's review of the institution's institutional program evaluation plan (IPEP), which is the institution's description of its continuous improvement of the program throughout the approval period as described in Subsection 1004.04(5), Florida Statutes. The IPEP shall be based upon an annual internal analysis of collected data and published annually for the general public. The IPEP shall include at a minimum data from each year of

the program approval period collected by the teacher education unit for candidates in each approved program and across all programs approved at the institution. The IPEP data must include, but is not limited to:

a. Candidates' admission and FTCE pass rate data required in Section 1004.04, Florida Statutes;

b. Candidates' demonstration of teaching competencies included in the Uniform Core Curricula described in paragraph (1)(b) of this rule and additional performance indicators specified in subsection 1004.04(5), Florida Statutes;

c. Program completers' impact on student learning and satisfaction with their preparedness for the first year of teaching in a Florida school based upon completing an approved program; and

d. The satisfaction level of employers of program completers with the level of preparedness for the first year of teaching, including the rehire rates of program completers.

2. During the final year of the program approval period, the Department shall examine the results of the institution's annual reviews for each year of the approval period and the findings of the institutional site visit team. The Department shall then recommend to the Commissioner continued approval or denial of approval for each initial educator preparation program. The institution shall be notified in writing of the continued approval decision. A denial of approval shall include identification of specific areas of program weakness.

(e) Relationship of initial educator preparation program approval and educator certification.

1. Programs may be approved only in areas and levels for which state certification coverage and endorsement are available.

2. Requirements and activities in an approved initial teacher preparation program may vary significantly from the descriptions contained in Chapter 6A-4, FAC.

3. A candidate who completes an approved initial teacher program shall be eligible for the appropriate educator certificate of the type and coverage for which the program has been approved, provided that the candidate meets other requirements for educator certification as specified in Section 1012.56, Florida Statutes, and Chapter 6A-4, FAC.

4. A candidate in a graduate level program who holds a valid Florida Educator's Professional Certificate at the time of graduation may satisfy the testing requirements for program completion by earning a passing score on only the subject area examination required in Section 1012.56, Florida Statutes. A candidate who completes an approved program only in an endorsement area must demonstrate the competencies required for specialization in the endorsement.

(f) Reinstatement of Program Approval. The approval of a program may be reinstated by the Department at the request of the chief executive officer of the institution upon

documentation of compliance with the requirements for initial approval of educator preparation programs, as provided in this rule.

(2) Professional Preparation Programs.

(a) General Criteria. Professional preparation programs are programs offered by Florida post-secondary institutions or public school districts through which candidates document mastery of professional preparation and education competence as provided for in Section 1012.56(5), Florida Statutes.

(b) School District Alternative Certification and Education Competency Programs.

1. The competency-based state model alternative certification program and approved district competency-based alternative certification programs developed pursuant to Subsection 1012.56(7), Florida Statutes, shall require documentation of the following for each program completer prior to exiting the program:

a. The competencies contained in the Educator Accomplished Practices at the pre-professional level described in Rule 6A-5.065, FAC.;

b. State-approved competency 2 (two) of the State Board approved reading endorsement; and

c. The additional instructional practices prescribed in Subsection 1012.56(7), Florida Statutes.

d. The Competencies and Skills for Teacher Certification-Professional Preparation as described in Rule 6A-4.003, FAC., as evidenced by a passing score on the Professional Education Test of the FTCE;

2. Verification of the candidate's successful completion of a district's approved alternative certification and education competence program shall be submitted to the Department by the district superintendent. Competencies listed in sub-subparagraphs (2)(b)1.a. through c. of this rule must be demonstrated as a K-12 classroom teacher while holding a valid temporary educator certificate.

3. Initial District-developed Program Approval. Initial program approval for a program developed and submitted for approval their own model for alternative certification shall be conducted by the Department of Education and shall ensure that each approved program provides an assessment system and instructional support for teachers to demonstrate the competencies outlined in this section and includes all program components prescribed in Subsection 1012.56(7), Florida Statutes.

4. Continued Program Review. The Department shall provide periodic review of all district programs offered pursuant to this section. The review cycle shall be based at a minimum upon the following:

a. Program completer data to include pass rates on the Professional Education Test of FTCE; evidence of participants' demonstration of the Educator Accomplished Practices; participant satisfaction with the training and support received

in the program, including their preparedness to teach upon completion; and program completers' impact on K-12 student learning;

b. Employer satisfaction data on participant's ability to demonstrate the Educator Accomplished Practices and rehire rates of program participants and completers.

(c) Programs Delivered through Educator Preparation Institutes.

1. The competency-based alternative certification programs developed and delivered through an Educator Preparation Institute pursuant to Section 1004.85, Florida Statutes, shall require documentation of the following for each program completer prior to exiting the program:

a. The competencies contained in the Educator Accomplished Practices at the pre-professional level described in Rule 6A-5.065, FAC;

b. State-approved competency 2 (two) of the State Board approved reading endorsement; and

c. The additional instructional practices prescribed in Subsection 1004.85(3), Florida Statutes;

d. The Competencies and Skills for Teacher Certification-Professional Preparation as described in Rule 6A-4.003, FAC., as evidenced by a passing score on the Professional Education Test of the FTCE;

2. Verification of the candidate's successful completion of the program shall be submitted to the Department by the approved institution. Competencies listed in subparagraphs (2)(c)1.a. through c. of this rule must be demonstrated in a K-12 classroom setting either through preservice field experiences or as a K-12 classroom teacher while holding a valid temporary educator certificate.

3. Initial Program Approval. Initial program approval shall be conducted by the Department and shall ensure that each approved program provides an assessment system and instructional support for candidates to demonstrate the competencies outlined in this section. Institutions must meet institutional and faculty requirements listed in Section 1004.85, Florida Statutes.

4. Continued Program Approval. Continued program approval shall be determined by the Department based upon at a minimum, the following:

a. Program completer data to include pass rates on the Florida Teacher Certification Examinations; evidence of participants' demonstration of the Educator Accomplished Practices; participant satisfaction with the training and support received in the program, including their preparedness to teach upon completion; and program completers' impact on K-12 student learning;

b. Employer satisfaction data on participant's ability to demonstrate the Educator Accomplished Practices and rehire rates of program participants and completers.

(3) Professional Training Option for Content Majors.

(a) A postsecondary institution with an approved initial teacher preparation program pursuant to subsection (1) of this rule may offer a Professional Training Option for content majors attending its institution, which will satisfy professional preparation course work pursuant to subsection 6A-4.006(2), FAC. The institution may choose to offer this option as a minor, based upon established institutional protocol. The institution must provide an endorsement of transcripts for each individual who completes the Professional Training Option.

(b) Upon the completion of the Professional Training Option, the candidate will:

1. Have received pre-professional level training in the Educator Accomplished Practices and competency two (2) of the reading endorsement;

2. Have completed integrated school-based observation/participation experiences associated with all competencies covered in the Professional Training Option; and

3. Satisfy professional preparation course work as described in subsection 6A-4.006(2), FAC.

(c) The Department shall approve the Professional Training Option. To receive approval, the requesting institution must provide evidence of a series of courses that accomplish the required training and field experiences listed in subparagraphs (4)(b)1. and 2. of this rule. Upon receiving approval, an institution will not be required to resubmit its Professional Training Option for re-approval unless the competencies in subparagraphs (4)(b)1. of this rule are changed.

Specific Authority 1001.04, 1004.85, 1012.56 Chapter 97-4, Laws of Florida, 231-546, 240-529 FS. Law Implemented 1001.04, 1004.85, 1012.56 Chapter 97-4, Laws of Florida, 231-546, 240-529 FS. History--New 7-2-98, Amended 8-7-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kathy Hebda, Department of Education, Division of K-12 Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Stewart, Deputy Chancellor Educator Quality, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:
Distribution of School Laws and Rules
of the State Board

RULE NO.:
6A-10.014

PURPOSE AND EFFECT: The purpose of this rule amendment is to repeal a rule which is not required in order to meet statutory obligations related to the availability of school

laws and State Board of Education rules. The effect is the elimination from the Florida Administrative Code a rule which is unnecessary.

SUMMARY: The rule is proposed for repeal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1) FS.

LAW IMPLEMENTED: 120.53(2)(a), 229.512(3) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., January 17, 2006

PLACE: Valencia Community College, East Campus, 701 N. Econlockhatchee Trail, Bldg. 5, Room 112, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.014 Distribution of School Laws and Rules of the State Board.

Specific Authority 229.053(1) FS. Law Implemented 120.53(2)(a), 229.512(3) FS. History--New 5-20-71, Repromulgated 12-5-74, Formerly 6A-10.14, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn Abbott, Office of the Chief of Staff, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeanine Blomberg, Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 2005

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Building Construction Industry Research and Continuing Education Projects

RULE NO.: 6A-10.029

PURPOSE AND EFFECT: The purpose is to repeal a rule for which there is no longer specific rulemaking authority or implementing law. The effect is a rule removed from the Florida Administrative Code that no longer has specific authority or implementing statutes.

SUMMARY: The rule is to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1) FS.

LAW IMPLEMENTED: 229.512(2)(11), 489.109(3) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., January 17, 2006

PLACE: Valencia Community College, East Campus, 701 N. Econlockhatchee Trail, Bldg. 5, Room 112, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.029 Building Construction Industry Research and Continuing Education Projects.

Specific Authority 229.053(1) FS. Law Implemented 229.512(2), (11), 489.109(3) FS. History--New 9-16-80, Formerly 6A-10.29, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn Abbott, Office of the Chief of Staff, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeanine Blomberg, Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 2005

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Definition of Terms

RULE NO.: 6E-1.003

PURPOSE AND EFFECT: The purpose of the amendment is to add the terms "Address of Record", "Citations" and "Costs" to the terms defined for use within the rules.

SUMMARY: The Commission proposes the amendment to the rule to add the terms "Address of Record", "Citations" and "Costs" to the terms defined for use within the rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(1)(b) FS.

LAW IMPLEMENTED: 1005.22, 1005.31, 1005.385 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St., Suite 1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, F.S. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

(1) No change.

(2) “Address of Record” means the current mailing address and location of the institution in Florida.

(2) through (9) renumbered (3) through (10) No change.

(11) “Citation” means an instrument which meets the requirements set forth in Section 1005.385, F.S., and which is served upon a licensee, an applicant, or any other subject within the jurisdiction of this Commission, for the purpose of assessing a penalty in an amount established by this rule.

(10) through (15) renumbered (12) through (17) No change.

(18) “Costs” means the amount of money directly related to the investigation and prosecution as determined by the Commission.

(16) through (53) renumbered (19) through (56) No change.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31, 1005.385 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-411-00, 1-7-03, 12-23-03, 7-20-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2005

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE:

RULE NO.:

Approved Applicant Status

6E-2.001

PURPOSE AND EFFECT: This rule is being amended to clarify the criteria and process for approved applicant status.

SUMMARY: The Commission proposes the amendment to clarify the criteria and process for approved applicant status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 1005.31(2),(3) FS.

LAW IMPLEMENTED: 1005.31(2),(3),(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St., Suite #1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.001 Approved Applicant Status.

All new or out-of-state institutions applying for initial licensure to operate in Florida, whether planning to offer degrees or nondegree programs, must file an application for a Provisional License. When the application is deemed complete, as defined in subsection 6E-1.003(12), F.A.C., the institution will be placed on Approved Applicant status while final preparations are made.

(1) Before filing-time frame. Before preparing and filing a formal application, representatives of a new institution seeking licensure in Florida for the first time should confer with Commission staff a minimum of six months prior to the desired opening date of the institution.

(2) Review and recommendation. Upon receipt of the initial application, Commission staff will examine the application and provide applicant in writing any omissions or errors in the application and request all omitted materials within 30 days. If the initial application has omissions, staff shall contact the applicant and request all omitted materials. When the application for a Provisional License is deemed complete by Commission staff, and the background checks required by law for appropriate personnel have been completed and grounds for ineligibility for licensure have not been found, the application shall be presented to the Commission.

(3) When the application for a Provisional License is deemed complete by Commission staff, and the background checks required by law for appropriate personnel have been completed and grounds for ineligibility for licensure have not been found, the applicant school shall be granted Approved Applicant status. Deficiencies and conditions. Although an application may be complete, containing material addressing

each requirement, still there may be deficiencies in fully meeting the standards for a Provisional License. Deficiencies will be itemized in the recommendation for Approved Applicant status presented by staff to the Commission, and the Commission may find that additional deficiencies exist. The Commission shall also, if necessary, attach conditions which must be met before a Provisional License is granted, one of which shall be that a professionally printed and bound catalog will be prepared and submitted, containing all information required by Rule 6E-1.0032, F.A.C.

(4) Confirmation letter. An applicant granted Approved Applicant status will receive a letter confirming and explaining the status ~~noting what specific activities can be done during Approved Applicant status, and stating the length of time for which the status was granted.~~ A listing of deficiencies to be corrected and conditions to be met shall be attached to the confirmation letter. No certificate or license will be provided. Any agency or member of the public requesting information from the applicant shall be provided a copy of the confirmation letter.

~~(5) Recommendation for Provisional License. Once an institution receives approved applicant status, the application will be set before the Commission for consideration of Provisional Licensure. Delegation to staff. If the Commission determines that the deficiencies and conditions noted in the confirmation letter are routine and easily corrected or fulfilled, the Commission shall direct its Executive Director to determine when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director shall issue a Provisional License upon receipt of documentation that a site visit has occurred if required, that all deficiencies have been corrected, and that all requirements for a Provisional License have been met. However, if the Commission considers that the deficiencies and conditions are unusually complex or significant, it shall specify that the application be reviewed by the full Commission before a Provisional License is approved.~~

~~(6) Time allowed for compliance. Approved Applicant status shall be granted for a period of up to six months, during which time the applicant institution shall correct any remaining deficiencies, meet all conditions, and demonstrate that it is in substantial compliance with the standards for licensure. If the Commission determines that the applicant is making a good faith effort to comply, but a delay occurs due to extraordinary circumstances, the Commission shall grant one additional six-month extension of Approved Applicant status, for a maximum total of one year in this status. If the applicant has not reached substantial compliance with the standards for licensure during the period specified, including any authorized extension, a new application reflecting the current situation must be submitted and all required fees paid to start the application process again.~~

~~(6)(7) No change.~~

~~(8) Misrepresentation of status. The granting of Approved Applicant status is not a guarantee that a Provisional License or higher status will be attained, and shall not be represented as such. An Approved Applicant status is a recognition that the proposed institution has submitted a complete application for a Provisional License, and does not imply that any current or future operation is or will be approved by the Commission.~~

Specific Authority 1005.31(2), (3) FS. Law Implemented 1005.31(2), (3), (4) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(a)-(e), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.01, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 3-29-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2005

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Institutional License
 RULE NO.: 6E-2.002

PURPOSE AND EFFECT: The Commission proposes the amendment to the rule to clarify the criteria and process for Institutional Licensure.

SUMMARY: This rule is being amended to clarify the criteria and process for Institutional Licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3) FS.
 LAW IMPLEMENTED: 1005.22(1)(o),(2)(d), 1005.31, 1005.32, 1005.33 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St., Suite #1414, Tallahassee, Florida 32399-0400.

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.002 Institutional Licensure.

(1) Provisional license.

(a) No change.

(b) Although an application may be complete, containing material addressing each requirement, still there may be deficiencies in fully meeting the standards for a Provisional License. The Commission reviews all applications for Provisional License and shall impose any conditions it deems appropriate. Deficiencies and conditions will be itemized in the recommendation for Provisional Licensure presented by staff to the Commission, and the Commission may find that additional deficiencies exist. The Commission shall, if necessary, attach conditions which must be met before a Provisional License is granted as required by Rules 6E-2.004 and 6E-1.0032, F.A.C.

~~(c) Delegation to staff. If the Commission determines that the deficiencies and conditions noted in the staff recommendation are routine and easily corrected or fulfilled, the Commission shall direct its Executive Director to determine when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director shall issue a Provisional License upon receipt of documentation that an on site visit has occurred if required, that all deficiencies have been corrected, and that all requirements for a Provisional License have been met. However, if the Commission considers that the deficiencies and conditions are unusually complex or significant, it shall specify that the institution report back and the application shall be reviewed by the full Commission before a Provisional License is approved. Delegation to staff. In granting initial Approved Applicant status to a new or out of state institution, the Commission will note any deficiencies in meeting the standards for a Provisional License and impose any conditions it deems appropriate. If the Commission considers that the deficiencies and conditions attached to the Approved Applicant status are unusually complex or significant, it shall specify that the application be reviewed by the full Commission before a Provisional License is approved. Otherwise, the Commission shall delegate to its Executive Director the responsibility for determining when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director shall issue a Provisional License upon receipt of documentation that all deficiencies have been corrected and that all conditions and all requirements for Provisional Licensure have been met, including an on site visit if necessary.~~

(c) through (g) renumbered (d) through (h) No change.

(2) through (3) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3) FS. Law Implemented 1005.22(1)(o),(2)(d), 1005.31, 1005.32, 1005.33 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 12-23-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2005

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Actions Against a Licensee; Penalties

RULE NO.: 6E-2.0061

PURPOSE AND EFFECT: The Commission proposes the amendment to the rule to add grounds for disciplinary action, add the exemption for the disciplinary process during the investigation period until 10 days after the finding of probable cause, add the range that can be imposed for an administrative fine, notify institutions of costs as well as the time limit for paying the administrative fine and costs. Additionally, the citation process will be added designating the violations to which a citation can be issued.

SUMMARY: The rule is being amended to add grounds for disciplinary action, add the exemption for the disciplinary process during the investigation period until 10 days after the finding of probable cause, add the range that can be imposed for an administrative fine, notify institutions of costs as well as the time limit for paying the administrative fine and costs. Additionally, the citation process will be added designating the violations to which a citation can be issued.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 1005.32(7), 1005.31(1)(b), 1005.38(6), (8) FS.

LAW IMPLEMENTED: 1005.32(7), 1005.34(3), 1005.38, 1005.385 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St., Suite #1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.0061 Actions Against a Licensee; Penalties.

(1) through(4)(i) No change.

(j) Failure to notify the Commission of a change of address.

(k) Violating or repeatedly violating any provision of this chapter or any rule adopted pursuant thereto.

(l) Operating with a revoked, suspended, or inactive license.

(m) Violating any lawful order of the Commission previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena.

(n) Failure of Licensee to notify the Commission of closing of a institution or campus.

(5) through(7)(c) No change.

(d) All investigatory records including the findings of an exempt probable cause panel meeting are exempt from F.S. 119.07(1) and s. 24(a), Art. 1 of the State Constitution for a period not to exceed 10 days after the panel makes a determination regarding probable cause.

(e) The Commission will review the recommendation of the Probable Cause Panel. If probable cause is found, the Commission will issue an Administrative Complaint. The Commission also has the authority to issue an administrative fine from \$100-\$5000 per count. The Commission also has the authority to issue Cease and Desist orders as provided in Section 1005.08, F.S. if necessary to stop a violation.

(f) The Commission shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto submitted to the Commission for Independent Education.

(g) In cases where the Commission imposes an administrative fine and an assessment of costs, each shall be paid within thirty (30) days from the date the final order of the Commission is filed with the Clerk of the Commission unless a different time frame is set forth in the final order.

(8) Issuance of Citations.

(a) All citations will include a requirement that the subject correct the violation, if remediable within a specified period of time not to exceed 60 days, and impose whatever obligations will remedy the offense.

(b) The Commission shall be entitled to recover the cost of investigation and prosecution in addition to the fine levied pursuant to the citation.

(c) The citation becomes a final order of the Commission if the subject fails to dispute the issuance of the citation within 30 days of service. The subject has 30 days from the date the

citation becomes final order to pay the fine and costs. Failure to pay the fine and costs within the prescribed time period constitutes a violation of Section 1005.385, F.S. which will result in further disciplinary action. All fines and costs are to be made payable to "Office of the Comptroller, Department of Education."

(d) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S. unless otherwise exempt from the provision of Chapter 119, F.S.

(e) The Executive Director will report to the Commission the number of citations issued and the nature of the offenses for which they were issued.

(f) Violations and Penalties for Citations. Citations shall be issued by the Executive Director for failure to meet procedural requirements of the Commission. For the purposes of this rule, the Commission designates as offenses for citations only the following violations with accompanying penalty:

1. Issuance of a worthless bank check to the Commission. \$100.00

2. Failure to notify the Commission of a change of address within time in violation of subsection 6E-2.0061(1)(j), F.A.C. \$500.00

3. Failure to notify the Commission of a minor modification of a program pursuant to Rule 6E-2.008, F.A.C. \$250.00

4. Failure to meet the Commission deadlines within 30 days of the second request. \$100.00

5. Failure to report data to the Commission on a second request within 30 days of the second request. \$100.00.

6. Failure to submit the substantive change notification to the Commission as required by subsection 6E-1.003(49), F.A.C. \$500.00

7. Failure to provide access to employees of the Commission or a designee to inspect the institution for an on site visit. \$500.00

(8) through (10)(d) No change.

Specific Authority 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38, 1005.385 FS. History--New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-88, 11-2-89, 12-10-90, 10-19-93, 1-7-03, 5-4-04, 5-26-04, 7-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2005

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

(1) The local government shall submit three copies of each proposed amendment, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), including applicable supporting documents which include data and analyses directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, and one copy directly to the appropriate agencies list in subsection 9J-11.009(6), F.A.C. Proposed plan amendments, except those discussed under the exemption provisions of subparagraph 9J-11.006(1)(a)7., F.A.C., below, shall be consolidated into a single submission for each of the two plan amendment adoption times during the calendar year. The comprehensive plan submitted pursuant to Section 163.3167, F.S., shall be counted as one of the two plan amendment adoption times during the calendar year; however, only the submittal requirements of Rule 9J-11.004, F.A.C., must be followed. For each proposed plan amendment submittal package, the local governing body shall submit:

(a) through 7. d. No change.

e. Whether the amendment updates the ~~is directly related to an~~ intergovernmental coordination element to comply with ~~pursuant to~~ Sections 163.3177(6)(h)5. ~~1.a., b., and e.~~, F.S.;

7 f. through 7 i. No change.

~~j. An amendment changing school concurrency service area boundary pursuant to Sections 163.3180(13)(e)2., F.S.;~~

~~j.k.~~ An amendment directly related to proposed redevelopment of brownfield areas designated under Section 376.80, F.S.;

~~k.l.~~ An amendment for port transportation facilities and projects that are eligible for funding by the Florida Transportation and Economic Development Council pursuant to Section 311.07, F.S.;

~~l.m.~~ An amendment for the purpose of designating an urban infill and redevelopment area under Section 163.2517, F.S.

~~m.n.~~ Directly related to providing transportation improvements as provided for in Section 163.3187(1)(k), F.S.;

~~n.o.~~ An amendment adopting a public school ~~educational~~ facilities element pursuant to Sections 163.3177(12) ~~163.3177(5)~~ and 163.3187(1)(l)(k), F.S.;

~~o.p.~~ An amendment to the future land use map identifying school sites pursuant to Sections 163.3177(6)(a) and 163.3187(1)(l), F.S.;

~~p.q.~~ An amendment to the Intergovernmental Coordination Element pursuant to Section 163.3177(6)(h)4.b., F.S.;

~~q.r.~~ An amendment adopting a boating facility siting plan or policy pursuant to Section 380.06(24)(k)1., F.S.

~~r.s.~~ An amendment addressing criteria or compatibility of land uses adjacent to or in close proximity to military installations pursuant to Sections 163.3187(1)(m), F.S.;

~~s.t.~~ An amendment establishing or implementing a rural land stewardship area pursuant to Section 163.3177(11)(d), F.S.;

~~t.u.~~ An amendment incorporating the regional water supply work plan approved pursuant to Sections 373.0361 and 163.3177(6)(c), F.S.;

~~u.v.~~ An amendment implementing the Wekiva Study Area plan pursuant to Section 369.321, F.S.;

v. An amendment to the capital improvements element to update the schedule of capital improvements on an annual basis pursuant to Section 163.3177(3)(b)1, F.S.;

w. An amendment to the capital improvements element other than an update to the schedule of capital improvements pursuant to Section 163.3177(3)(b)2, F.S.;

x. An amendment that is intended to incorporate a community vision meeting the criteria of Section 163.3177(13), F.S., as a component to the comprehensive plan pursuant to Section 163.3177(13)(f), F.S.;

y. An amendment that is intended to designate an urban service boundary meeting the criteria of Section 163.3177(14), F.S., pursuant to Section 163.3177(14)(b), F.S.;

z. A map amendment consistent with Section 163.3184(17), F.S., within the urban service boundary for those local governments that have adopted a community vision and urban service boundary pursuant to Sections 163.3177(13) and (14), F.S.;

aa. A map amendment consistent with Section 163.3184(18), F.S., within the urban infill and redevelopment area for those local governments that have adopted an urban infill and redevelopment area pursuant to Section 163.2517, F.S.;

bb. An amendment submitted pursuant to Section 163.3187(1)(o), F.S., within an area designated by the Governor as a rural area of critical economic concern under Section 288.0656(7), F.S.; and

cc. An amendment necessary to carry out the approved recommendation of a special magistrate under Section 70.051, F.S.

8. through (b) 3. No change.

4. A description of the availability of and the demand on the following public facilities: sanitary sewer, solid waste, drainage, potable water, traffic circulation, schools and recreation, as appropriate; and

5. through (3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(3),(6), (9),(13),(14), 163.3184(1), (2), (3), (15), (17),(18), 163.3187(1), (2), (5), 163.3191, 369.321(5), 380.06(6) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05, _____.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) through (5) No change.

(6) The local government shall transmit three copies of plans, parts of plan, or plan amendments to the Department and one copy directly to the various agencies and governments, as appropriate, for their review and written response. These agencies and governments may include, but not be limited to, the following:

- (a) The appropriate regional planning council;
- (b) The appropriate county (municipal plans only);
- (c) The Department of Environmental Protection;
- (d) The Department of Transportation;
- (e) The appropriate water management district(s);
- (f) Florida Department of State;
- (g) Florida Fish and Wildlife Conservation Commission (county plans only);
- (h) The Department of Agriculture and Consumer Services (county plans only); and
- (i) Office of Educational Facilities of Commissioner of Education (if related to the public ~~school educational~~ facilities element pursuant to Section 163.3177(12)(6), F.S.).

(j) The commanding officer or designee of each military installation located within, adjacent or proximate to the local government (if the amendment would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation) ~~and~~:-

(k) Office of Tourism, Trade, and Economic Development (if the amendment is related to an area of rural critical economic concern pursuant to Section 163.3187(1)(o), F.S.

(7) No change.

(8) Local governments are prohibited from adopting some amendments to their comprehensive plans for failure to comply with the following statutory requirements:

(a) Pursuant to Section 163.3177(3)(b)1., F.S., future land use map amendments may not be adopted if the local government has failed to adopt the annual capital improvements update by December 1 each year beginning 2007, except local government may adopt emergency amendments pursuant to Section 163.3187(1)(a), F.S.:

(b) Pursuant to Section 163.3177(6)(a), F.S., no amendment may be adopted if the local government has failed to comply with the school siting requirements, except amendments described in Section 163.3187(1)(b), F.S.:

(c) Pursuant to Section 163.3177(12)(j), F.S., amendments which increase residential density may not be adopted if the local government has failed to adopt the public school facility element and enter into an approved interlocal agreement by December 1, 2008:

(d) Pursuant to Section 163.3187(6)(a), F.S., no amendment may be adopted if the local government has failed to adopt its evaluation and appraisal report by the established adoption date, except for amendments described in Section

163.3187(1)(b) or (h), F.S., until such time as the local government submits an adopted evaluation and appraisal report to the Department:

(e) Pursuant to Section 163.3187(6)(c), F.S., no amendment may be adopted if the Department has determined that the adopted evaluation and appraisal report does not sufficiently address the requirements of Section 163.3191, F.S., and the one year period after the initial sufficiency determination has expired until such time as the local government adopts and submits an evaluation and appraisal report that the Department determines is sufficient, except for plan amendments that meet the requirements of Section 163.3187(1)(b), F.S.:

(f) Pursuant to Section 163.3191(10), F.S., no amendment may be adopted if the local government has failed to timely adopt and transmit the evaluation and appraisal report-based amendments after July 1, 2006; and

(g) If local governments are prohibited from amending the comprehensive plan pursuant to paragraphs 9J-11.009(8)(a) through (f), F.A.C., then during the time period of the prohibition, amendments will not be processed by the Department, and will be returned to the local government. In order to secure review thereafter, the local government may readopt and resubmit the amendments in accordance with the requirements of Sections 163.3184, 163.3187, and 163.3189, F.S.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), (3), 163.3175(2), 163.3177(3), (6), (9), (12) 163.3184(2), (3), (4), (5), (6), 163.3187(6), 163.3191 FS. History--New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05,_____.

9J-11.010 Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment.

(1) If the review is for a plan or if a decision has been made to review a plan amendment under Rule 9J-11.009, F.A.C., the Department shall review each comprehensive plan or amendment to determine whether it is consistent with the requirements of Sections 163.3177, ~~163.31776~~, 163.3178, 163.3180, 163.3184, 163.3187, 163.3189 and 163.3191, F.S., Chapter 9J-5, F.A.C., the State Comprehensive Plan and the appropriate strategic regional policy plan.

(2) through (7) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3175(3), 163.3177(9), (10), 163.3184(1)(b), (6)(a), (b), (c), 163.3189(2) FS. History--New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05,_____.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) No change.

(2) In the case of an adopted amendment that is exempt from State and Regional review, a small-scale development plan amendment the local government may follow the procedures in Rule 9J-11.015, F.A.C.

(3) through (4) No change.

(5) The local government shall submit, within ten working days after adoption, three copies of all comprehensive plan and plan amendment materials, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), F.A.C., and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies' copy of the adopted plan remains complete by also transmitting copies of each subsequently adopted plan amendment and related documents to review agencies at the time of each adoption.

(a) through e. No change.

f. If package contains a future land use map amendment adopted after December 1, 2007, a statement indicating the date that the annual capital improvement element update has been adopted and submitted along with the summary of de minimis impact records.

6. through (7) No change.

(8) In the case where the local government amends the capital improvement element, the following information will be required:

(a) If the amendment adopts corrections, updates and modifications of the capital improvements element concerning costs, revenue sources, or acceptance of facilities pursuant to dedications that are consistent with the plan or facility construction dates pursuant to Section 163.3177(3)(b), F.S., a copy of the executed ordinance shall be submitted to the Department within ten working days after adoption. If a local government adopts corrections, updates, or modifications of current costs in other elements which were set out as part of the comprehensive plan, a copy of the executed ordinance shall be submitted to the Department within ten working days after adoption. Copies of the referenced executed ordinances in this section of Rule 9J-11.011, F.A.C., shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and will not be subject to a compliance review.

(b) If the amendment is adopted to meet the annual update of the schedule or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule pursuant to Section 163.3177(3)(b), F.S., the local government must submit a copy of the executed ordinance, the amendment in strike thru and underline format, and a summary of the de minimis impact records pursuant to Section 163.3180(6), F.S.

(9) No change.

(10) Local governments with a plan in compliance are bound by the effective date provisions of Section 163.3189, F.S. They shall include the following language in the adoption ordinance for plan amendments other than adopted amendments that are exempt from State and Regional review small scale amendments:

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), F.S., whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(3), 163.3175(4), 163.3177(3), (9), 163.3184(1)(b), (2), (6), (7), (15), (16), 163.3187(1), 163.3189, 163.3191, 380.06(6) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05,_____.

9J-11.012 Compliance Review and Notice of Intent.

(1) through (5) No change.

(6) If a Notice of Intent is issued to find the adopted plan or amendment not in compliance, the Department will forward a copy of the Notice of Intent to the Division of Administrative Hearings, Department of Management Services, requesting a hearing. During the review period provided in subsection 9J-11.012(1), F.A.C., the Department shall issue a written Statement of Intent describing how each portion of a comprehensive plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Sections 163.3177, F.S., 163.31776 when local government adopts an educational facilities element, Sections 163.3178, 163.3180, 163.3191, and 163.3245, F.S., the state comprehensive plan, the appropriate strategic regional policy plan, or Chapter 9J-5, F.A.C., and a statement of remedial actions that the local government may complete in order to bring the plan into compliance. A copy of the Statement of Intent shall be mailed to the local government and to persons who requested a copy of the Notice of Intent. The Department shall file a petition requesting an administrative hearing and relief with the Division of Administrative Hearings. The petition shall incorporate the issues contained in the Statement of Intent, and the Statement of Intent and the Notice of Intent

shall be filed with the petition. The administrative law judge shall submit the recommended order to the Administration Commission for final agency action.

(7) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(8), (9), (10) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 7-21-97, 4-8-99, 1-8-01, 11-24-02,_____.

9J-11.0131 Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department.

(1) through (2) No change.

(3) Within ten working days after the local government has adopted the compliance agreement plan amendment(s), the local government shall submit to the Department a complete compliance agreement plan amendment(s) package consisting of: a transmittal cover letter signed by the chief elected official indicating compliance with paragraphs 9J-11.0131(2)(a), (b) and (c), F.A.C., the executed ordinance(s) adopting the compliance agreement plan amendment(s) and three copies of the compliance agreement plan amendment(s), of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF). This material shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. The local government shall also submit one copy of the adopted compliance agreement plan amendment(s) to the appropriate regional planning councils, local governments or government agency in the state that has filed a written request and intervenors as indicated in Section 163.3184(16)(d), F.S.

Specific Authority 163.3177(9) FS. Law Implemented 163.3184(16)(d) FS. History—New 11-10-93, Amended 11-6-96, 4-8-99, 11-24-02,_____.

9J-11.015 Submittal Requirements for Adopted Amendments that are Exempt from State and Regional Review Small Scale Development Amendments.

(1) The local government shall submit, within ten working days after adoption, one copy of all plan amendment materials, which may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

(a) The chief elected official or designee shall sign a letter transmitting the adopted small scale development(s) amendment to the Department. The transmittal letter shall specify the following: indicate that the local government submits this adopted small scale development amendment in accordance with Subsection 163.3187(1)(e)2., F.S.

1. Whether the adopted amendment is exempt from State and Regional Review, and the facts and circumstances that cause the amendment to be considered as one of the following:

a. A map amendment directly related to proposed small scale development activities that meet the criteria of Section 163.3187(1)(c), F.S.;

b. A map amendment solely to property within an urban service boundary which meets the criteria of Section 163.3184(17), F.S.;

c. A map amendment solely to property within a designated urban infill and redevelopment area pursuant to Section 163.3184(18), F.S.; and

d. A plan amendment within an area certified pursuant to Section 163.3246, F.S.

2. The date the adoption public hearing was held;

3. The name, title, address, telephone number, facsimile number, and e-mail address, if any, of the person for the local government who is familiar with the adopted amendment(s) and is responsible for ensuring that the materials transmitted are complete.

4. For small scale development amendments adopted pursuant to Section 163.3187(1)(c), F.S., must include the following information:

a. The local government transmittal letter shall state the number of acres for the submitted amendment submitted and the cumulative total number of acres for small scale development amendments for the calendar year that the local government has approved;

b. Whether the amendment involves the same property that was granted another change within the prior 12 months;

c. Whether the amendment involves the same owner's property within 200 feet that was granted a change with the prior 12 months;

d. Whether the proposed amendment involves a text change;

e. Whether the amendment is within an area of critical state concern; and

f. The residential land use density before and after the adopted change.

~~The local government shall enclose a copy of the executed ordinance(s) adopting the small scale development amendments that has been signed by the chief elected official.~~

~~(b)(2) The adopted amendment package shall include:~~

~~1. The local governing body shall submit One copy of the small scale development amendment which shall include a future land use map depicting the newly adopted land use designation and the boundaries and location of the subject property in relationship to the surrounding street and thoroughfare network;~~

~~2. A a copy of the executed ordinance(s) adopting the amendments that has been signed by the chief elected official;~~

~~3. A copy of the public hearing notice; shall also be included in the submittal package.~~

4. If amendment is a small scale development amendment within a rural area of critical economic concern and adopted pursuant to Section 163.3187(1)(c)4., F.S., a copy of the letter to Office of Tourism, Trade, and Economic Development certifying and explaining how the plan amendment meets the objectives of the executive order issued under Section 288.0656(7), F.S.:

5.4. ~~A~~ The local governing body shall simultaneously submit completed copy copies of Form RPM-BSP-Exempt Review, Small Scale + effective _____ 6-30-05, incorporated by reference with the Small Scale development amendment. Copies of Form RPM-BSP-Exempt Review Small Scale + may be obtained from the Department of Community Affairs, Division of Community Planning, Plan Processing Team; and from the Department's web site.

~~(3) The adopted small scale amendment shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, within ten working days of adoption.~~

~~(2)(4)~~ The local governing body shall transmit a copy of the adopted small scale development amendment to the appropriate regional planning council, the Office of Tourism, Trade, and Economic Development (if the amendment is related to an area of rural critical economic concern pursuant to Section 163.3187(1)(c)4, F.S.) and other local government or governmental agencies in the state that have has filed a written request with the governing body for a copy of the adopted amendment concurrently with the transmittal to the Department.

Specific Authority 163.3177(9) FS. Law Implemented 163.3184(17), (18), 163.3187, 163.3246(9)(a) FS. History--New 11-10-93, Amended 11-6-96, 4-8-99, 6-30-05, _____.

9J-11.018 Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments.

(1) No change.

(2) TRANSMITTAL REQUIREMENTS FOR PROPOSED EVALUATION AND APPRAISAL REPORT.

(a) If local government elects to submit a proposed Evaluation and Appraisal Report 90 days prior to the evaluation and appraisal report schedule, the local planning agency shall prepare and transmit a proposed evaluation and appraisal report to the local governing body for review ~~and adoption~~, and contemporaneously send a copy to the Department, which may be on CD ROM in Portable Document Format (PDF), and each review agency as listed under subsection 9J-11.009(6), F.A.C. The local planning agency shall submit a transmittal letter which specifies the date or dates on which the local planning agency held the public hearing and the date that the proposed evaluation and appraisal report was transmitted to each review agency as listed under subsection 9J-11.009(6), F.A.C. At a minimum, the format and content of the proposed report will include a table of contents; numbered pages; element headings; section headings within

elements; a list of included tables, maps and figures; titles and sources for all included tables, maps and figures; where applicable, maps shall include major natural and man-made geographic features, city, county and state lines; maps shall contain a legend indicating a north arrow, map scale and date; a preparation date; and the name of the preparer.

(b) through (c) No change.

(d) The appropriate reviewing agencies as listed under subsection 9J-11.009(6), F.A.C., must provide written comments to the Department and the local government within 30 days after receipt of the proposed report pursuant to Section 163.3191(5), F.S.

(e) Within 30 days of receipt of a complete proposed evaluation and appraisal report the Department shall review the proposed report and submit comments to the local government.

(3) SUBMITTAL REQUIREMENTS FOR ADOPTED EVALUATION AND APPRAISAL REPORT.

(a) Within 90 days after receiving the proposed evaluation and appraisal report from the local planning agency, the local governing body shall adopt, or adopt with changes, the proposed evaluation and appraisal report. Within ten working days of adoption of the report, the local governing body shall submit three copies of the adopted report, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), to the Department. If a proposed report was provided, the local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report to the local government. If a proposed report was not provided pursuant to Section 163.3191(5), F.S., the local government shall provide a copy of the report to all reviewing agencies as listed under subsection 9J-11.009(6), F.A.C., including adjacent local governments.

(b) through (d) No change.

(4) CRITERIA FOR DETERMINING SUFFICIENCY OF ADOPTED EVALUATION AND APPRAISAL REPORTS.

(a) Within 60 days of receipt of a complete ~~an~~ adopted evaluation and appraisal report, the Department shall review the adopted report for preliminary sufficiency. A final sufficiency determination shall be completed within 90 days of receipt. A sufficiency review shall not be a compliance review, but shall be a determination that:

(b)1. through (b) No change.

~~(c) If the Department determines that the adopted report sufficiently addresses the requisite provisions of Section 163.3191, F.S., and this Rule, the local government shall proceed with adoption of plan amendments necessary to implement the recommendations in the report and may proceed with plan amendments in addition to the evaluation and appraisal report based plan amendments.~~

~~(d) If the local governing body fails to adopt the evaluation and appraisal report by the established adoption date, the local governing body is prohibited from amending its comprehensive plan, except for amendments described in Section 163.3187(1)(b) or (h), F.S., until such time as the local governing body adopts and submits an evaluation and appraisal report to the Department.~~

~~(e) If the Department determines that the adopted report is not sufficient because it fails to address the requirements of Section 163.3191, F.S., and this Rule, the local governing body may amend its comprehensive plan, for a period of one year after the initial determination of insufficiency. If the one year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient local government is prohibited from amending its comprehensive plan, until such time as the local governing body adopt, and submits an evaluation and appraisal report that the Department determines sufficiently addresses the requisite provision of Section 163.3191, F.S., and this rule, except for plan amendments that meet the requirements of Section 163.3187(1)(b), F.S.~~

~~(f) If local governments are prohibited from amending the comprehensive plan pursuant to paragraphs 9J-11.018(4)(d) and (e), F.A.C., then during the time period of the prohibition, amendments will not be processed by the Department, and will be returned to the local government except for plan amendments that meet the requirements of Section 163.3187(1)(b), F.S. In order to secure review thereafter, the local government may resubmit the amendments in accordance with the requirements of Sections 163.3184, 163.3187, and 163.3189, F.S., following a determination that the local government's evaluation and appraisal report is sufficient.~~

(5) SUBMITTAL REQUIREMENTS FOR PROPOSED AND ADOPTED EVALUATION AND APPRAISAL REPORT-BASED AMENDMENTS.

The local government shall proceed with adoption of plan amendments necessary to implement the recommendations in the evaluation and appraisal report once the Department has determined that the adopted report sufficiently addresses the requisite provisions of Section 163.3191, F.S., and this Rule.

(a) The amendments to implement the evaluation and appraisal report recommendations shall be adopted during a single amendment cycle pursuant to Section 163.3191(10), F.S., wWithin 18 months after the report is determined to be sufficient by the Department, ~~the local government shall amend its comprehensive plan based upon the recommendations contained therein unless a six-month extension is requested in writing by the local government. The extension request will be granted if the request demonstrates why the local government is unable to meet the original 18 month adoption time frame. Upon request an additional six month extension will be granted if the local government~~

demonstrates that the additional extension will result in greater coordination between transportation and land use for the purposes of improving Florida's transportation system.

(b) No change.

(6) SUBMITTAL OF COMPLETE UPDATED PLAN.

The local government shall submit a complete copy of the updated comprehensive plan, which may be on CD ROM in Portable Document Format (PDF), within 6 months after the effective date of the evaluation and appraisal report-based amendments.

Specific Authority 163.3177(9), 163.3191(10), (12) FS. Law Implemented 163.3187(6), 163.3191 FS. History--New 11-6-96, Amended 4-8-99, 11-24-02,_____.

9J-11.022 Submittal Requirements for Public Schools Interlocal Agreement and Amended Agreements.

(1) through (2)(a) No change.

(b) The local government shall submit three copies, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), of the executed interlocal agreement or amended agreement to the Department, one copy to the Office of Educational Facilities and SMART Schools Clearinghouse.

(c) through (4) No change.

Specific Authority 163.31777 FS. Law Implemented 163.31777 FS. History--New 11-24-02, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, Plan and DRI Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Valerie Hubbard, Director, Division of Community Planning, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management

RULE CHAPTER NO.: 14-40

RULE TITLES: Highway Landscape Projects

RULE NOS.: 14-40.003

Grant Application Process

14-40.020

Application and Permit Issuance

14-40.030

PURPOSE AND EFFECT: The amendment is to clarify language in paragraph 14-40.003(3)(b), F.A.C., that the prohibition against planting and landscape projects that will screen an outdoor advertising sign applies to certain signs that

are exempt from the Department's permitting requirements. Also, the language regarding how to obtain required forms identified within the rule chapter is made consistent throughout the rules, and one of the forms is updated.

SUMMARY: The amendment revises paragraph 14-40.003(3)(b), F.A.C., regarding prohibiting plantings that screen outdoor advertising signs. Forms are made available at all Department offices or on the website, and one of the forms is updated.

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs has been prepared.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-40.003 Highway Landscape Projects.

(1) through (3)(a)7. No change.

(b) No planting or installation of vegetation or other landscape material for landscape projects, or issuance of permits for such planting or installation, including construction and beautification projects, is allowed on Department right of way which screens or which, when mature, will screen an outdoor advertising sign permitted under Chapter 479, Florida Statutes. This prohibition applies to outdoor advertising signs exempt from Department permitting requirements that are on the state highway system and located within incorporated municipalities. This prohibition applies to all landscape, construction, and beautification projects on Department right of way regardless of the source of funds for the project, except for landscape projects approved by the Department prior to the date of the original, state sign permit for the sign. For purposes of this Rule, a landscape, construction, or beautification project is approved when it is specifically identified in the Department's five year work program, is a permitted landscape project, is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

(b)1. through (3)(d) No change.

(e) An abutting private property owner is not required to comply with Subsection (3)(d) of this Rule and may apply for a permit to alter or install landscape materials on the Department's non limited access right of way directly abutting the owner's property between the right of way line and the nearest edge of pavement through submission of a Permit for Landscaping on State Road Right of Way, Form 650-050-09, Rev. ~~01/06~~ ~~02/02~~, which is incorporated herein by reference and is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. Abutting private property owners must submit for approval a landscape plan, maintenance plan, and work zone traffic control plan.

(f) through (6)(b) No change.

Specific Authority 334.044(2), 337.2505 FS. Law Implemented 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS. History--New 9-22-92, Amended 1-19-99, 4-2-02, 5-22-05,_____.

14-40.020 Grant Application Process.

(1)(a) through (e) No change.

(f) "Grant Application" means the Florida Highway Beautification Council Grant Application, Form 650-050-10, Rev. 01/04, incorporated herein by reference. Copies of the grant application form and instructions for completing the grant application may be obtained from any Department ~~District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information Office, by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450, or on through~~ the Department website at <http://www.dot.state.fl.us/emo>.

(g) through (2)(g) No change.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History--New 1-19-99, Amended 11-22-01, 3-20-03, 8-10-03, 12-23-03,_____.

14-40.030 Application and Permit Issuance.

(1) Permit Required.

(a) No person or entity may remove, cut, or trim, trees, shrubs, or herbaceous plants on the Department's right of way to make visible or to ensure future visibility of off-premise outdoor advertising signs without obtaining a Permit for Vegetation Management at Outdoor Advertising Sign, Form 650-050-08, Rev. 07/97, which is incorporated herein by reference, pursuant to this Rule Chapter. For purposes of this Rule, the application of chemical control constitutes removing, cutting, or trimming, depending on the impact on the tree, shrub, or herbaceous plant. A Permit for Vegetation Management at Outdoor Advertising Sign may be requested by submitting a completed Application for Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 01/02, which is incorporated herein by reference, to the Department District Maintenance Engineer or designee with responsibility for the segment of state road to which the subject sign is permitted. Alternatively, the Application for Vegetation

Management at Outdoor Advertising Sign may be submitted to the State Outdoor Advertising Administrator, with an application for a new sign permit. Form 650-050-06 is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. This Rule does not apply to requests to trim or remove vegetation that screens on-premise signs.

(b) through (4) No change.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 334.044(25), 335.167, 337.405, 479.106 FS. History—New 1-19-99, Amended 2-7-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Caster, State Transportation Landscape Architect, Environmental Management Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for Denver J. Stutler, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Qualification, Selection, and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT	14-75
RULE TITLES:	RULE NOS.:
Consultant Qualification Process	14-75.0022
Minimum Technical Qualification Standards by Type of Work	14-75.003
Consultant Competitive Selection Process	14-75.004
Suspension or Revocation of Qualification	14-75.0051
Professional Consultant Work Performance Evaluation System	14-75.0052

PURPOSE AND EFFECT: This is a substantial amendment of Rule Chapter 14-75, F.A.C. Amendments to Rule Chapter 14-75, F.A.C., include clarification of audit report requirements, amendments to the types of work, clarification of the definitions and experience requirements for each, and revising the work performance evaluation of consultants.

SUMMARY: This is a substantial amendment of Rule Chapter 14-75.

SPECIFIC AUTHORITY: 287.055, 334.044(2), 337.105, 837.06 FS.

LAW IMPLEMENTED: 287.055, 337.107, 337.1075, 337.167 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs has been prepared.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-75.0022 Consultant Qualification Process.

(1) This rule chapter establishes minimum qualification standards by type of work for consultants, the consultant competitive selection process, and the work performance evaluation system for professional consultants who seek to provide professional services to the Department pursuant to Sections 287.055, 337.107, and 337.1075, Florida Statutes.

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

(3) Application for Qualification.

(a) A Professional Consultant who desires to qualify with the Department shall submit a Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. ~~01/06~~ ~~03/04~~, incorporated herein by reference, 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 <http://www.dot.state.fl.us/procurement/>.

(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 should be received by the Department within six months of the end of the fiscal year it addresses, ~~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. ~~A b. An overhead statement indicating the direct labor costs incurred, listing(s) allocable indirect costs, and listing(s) other direct costs incurred and overhead rate for the most recently completed fiscal year.~~

~~b. A statement of reimbursement rates for indirect costs (overhead), direct expenses, and Facilities Capital Cost of Money (FCCM) 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 generally accepted governmental auditing standards, the Department's Reimbursement Rate Overhead Audit Guidelines, 2005, November 2002, and the Government Auditing Standards, 2003, Revision Revised July 1999 through Amendment No. 2, 8/18/99, 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 ~~reimbursement rate overhead~~ audit does not reflect a currently valid ~~reimbursement overhead~~ rates, and consultants who have established and operated an accounting system in accordance with the minimum standards provided in the Department's ~~Reimbursement Rate Overhead Audit Guidelines, 2005 2002~~, for a period of less than one year, will prepare a projected overhead ~~direct expense, and FCCM~~ rates 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 ~~reimbursement combined overhead~~ rates, 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 ~~reimbursement rate 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 for contracting under Group 20, Appraisal Services, or Group 22, Acquisition Business Damage Estimating and Estimate Review, in any dollar amount, are not ~~required to submit a reimbursement rate audit. They 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 ~~Reimbursement Rate Overhead Audit Guidelines, 2005 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.

(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 of State, if the applicant is a corporation or limited partnership.

~~4. Past performance on Department contracts. 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 reimbursement rate overhead, accounting system, and insurance information.

(d) Audit reports are subject to review by the Department. The consultant will provide additional information and documentation upon request by the Department.

~~(e)(4)~~ 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, return receipt, to the address listed in the applicant's application for qualification.

(5) Period of Validity of Qualification. The period of qualification will be no more than one year and will expire annually six months after the end of the consultant's fiscal year. Application for renewal must be received by the Department no later than five months after the end of such fiscal year. Should the applicant be found to possess the prescribed qualification, the consultant will be randomly assigned a qualification 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 any of the staff used to qualify 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, 4-29-03, 6-15-04, _____.

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 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) 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 the studies and public involvement are evaluated and incorporated into the alternatives as appropriate.

2. Qualification Requirements. Group 2: 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, including roadway design and environmental engineering. This experience must include conducting environmental studies for transportation projects involving highway projects and public involvement issues. The natural scientist must have 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 social scientist must have 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 rural RRR and minor widening and resurfacing projects which do not involve major reconstruction, new curb and gutter, or substantial capacity improvements. 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 highways with new curb and gutter and new or major reconstruction rural projects with substantial capacity improvements such as adding two or more lanes. Projects of this type generally include utility

relocation plans, drainage design and permitting, maintenance of traffic plans, traffic engineering applications, intersection details, etc.

c. Type of Work 3.3: Controlled Access Highway Design. This type of work includes design of new and complex reconstruction projects on controlled access facilities including interstates, interchanges, and expressways. Projects of this type generally include 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.

b. Types of Work 3.2 and 3.3: Major Highway Design and Controlled Access 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.

(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: Miscellaneous Structures and Minor Bridge Design. This type of work is subdivided into two categories.

(I) Type of Work 4.1.1: Miscellaneous Structures and Minor Bridge Design. This group is subdivided into two categories:

~~(II)~~ Type of Work 4.1.2: 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) with spans estimated to be less than 400 300 feet, non-conventional substructures, substructures requiring ship impact design, bridges over navigable waters, and railroad bridges. This type of work is subdivided into three categories: 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.

(I) Type of Work 4.2.1: Major Bridge Design – Concrete: This group includes design for construction, rehabilitation, widening, or lengthening of structurally continuous concrete superstructures (longitudinally post-tensioned concrete beam bridges, etc.), reinforced concrete boxes, and post-tensioned substructures.

(II) Type of Work 4.2.2: Major Bridge Design – Steel: This group includes design for the construction, rehabilitation, widening, or lengthening of structurally-continuous steel superstructures (steel box girders, curved steel girder bridges, etc.)

(III) Type of Work 4.2.3: Major Bridge Design – Segmental: This group includes design for the construction, rehabilitation, widening, or lengthening of precast or cast-in-place concrete segmental superstructures or substructures.

c. Type of Work 4.3: Complex Bridge Design. This type of work includes the structures that cannot be included in Type of Work 4.1 or 4.2 because of 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 400 300 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. This type of work is separated into two categories:

(I) Type of Work 4.3.1: Complex Bridge Design – Concrete: This group includes design for the construction, rehabilitation, widening, or lengthening of concrete superstructures of the structure types listed in this category.

(II) Type of Work 4.3.2: Complex Bridge Design – Steel: This group includes design for the construction, rehabilitation, widening, or lengthening of steel superstructures of the types listed in this category.

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. Qualification will be assessed from the résumés of individuals employed by the firm. The résumés must state which bridge components were actually designed by the individual. General oversight or project management activities will not be considered for qualification purposes.

a. Type of Work 4.1.1: Miscellaneous Structures. 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 of structural experience, designing items such as sound barriers, structural supports for highway signs, luminaries, and traffic signals, or in bridge design; and two structural design engineers/technicians having a minimum of three years each of design experience, either designing items such as sound barriers, structural supports for highway signs, luminaries, and traffic signals, or in bridge design. The qualifying professional engineer(s) shall be responsible for quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

b.a. Type of Work 4.1.2: 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.

c.b. Type of Work 4.2.1: Major Bridge Design – Concrete. 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 concrete bridges as defined for Work Group 4.2.1: Major Bridge Design – Concrete, excluding segmental bridges or qualified as required in Work Group 4.2.3: Major Bridge Design – Segmental with an additional two years of design experience in continuous span concrete bridges as defined for Work Group 4.2.1: Major Bridge Design – Concrete; and three or more structural design engineers/technicians having a minimum of three years each of bridge design experience. (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 qualifying professional

engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved.

d. Type of Work 4.2.2: Major Bridge Design – Steel. 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 steel bridges as defined in Work Group 4.2.2: Major Bridge Design – Steel and three or more structural design engineers/technicians having a minimum of three years of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

e. Type of Work 4.2.3: Major Bridge Design – Segmental. 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 segmental concrete (precast or cast-in-place) bridges as defined in Work Group 4.2.3 Major Bridge Design – Steel and three or more structural design engineers/technicians having a minimum of three years of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

f. Type of Work 4.3.1: Complex Bridge Design – Concrete. 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 concrete bridge design experience in categories as defined listed in Work Group 4.3.1: Complex Major Bridge Design – Concrete, 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 qualifying professional engineers shall be responsible for the quality assurance of all design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

g. Type of Work 4.3.2: Complex Bridge Design – Steel. 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 steel bridge design experience in categories as defined in Work Group 4.3.2: Complex Bridge Design – Steel and three or more structural design engineers/technicians having a minimum of three years of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

h. Type of Work 4.4: Movable Span Bridge Design. This type of work requires qualification in type of work 4.2.2: Major Bridge Design – Steel, and also requires an electrical engineer and a mechanical engineer both registered with the Florida State Board of Professional Engineers. In addition to the experience requirements for type of work 4.2 4.2.2: Major Bridge Design – Steel, 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 of 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. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved.

(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 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, Appendix C to U.S. Department of Transportation Federal Highway Administration, *Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges*, Report No. FHWA-A-PD96-001, December 1995, incorporated herein by reference, 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. This work Type is subdivided into four categories: Type of Work 6.3.1: Intelligent Transportation Systems Analysis and Design, Type of Work 6.3.2: Intelligent Transportation Systems Analysis and Design, Type of Work 6.3.3: Intelligent transportation Systems Communications, and Type of Work 6.3.4: Intelligent Transportation Systems Software Development.

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 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 experience in the technical skill area for which qualification is requested. These technical skill areas are as follows:

(I) Type of Work 6.3.1: Intelligent Transportation Systems Analysis and Design. This type of work requires experience involving 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 experience must also involve traffic engineering software applications, freeway control software, and computerized timing programs.

(II) Type of Work 6.3.2: Intelligent Transportation Systems Implementation. This type of work requires experience involving realtime traffic control systems, system installation and testing, and knowledge of Construction Engineering Inspection (CEI) requirements for intelligent transportation construction projects.

(III) Type of Work 6.3.3: Intelligent Transportation Traffic Engineering Systems Communications. This type of work requires documented experience involving electronic engineering of system hardware, digital system design, specifications, and utilization. The experience must involve 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) Type of Work 6.3.4: 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 experience must also involve 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.

(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 vertical control to a specified standard for 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 group is subdivided into two categories:

(I) Type of Work 9.4.1: Standard Foundation Studies: This type of work includes producing reports which include selection of the type (~~shallow foundations footings~~, piles, and ~~redundant~~ 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.

(II) Type of Work 9.2.2: Non-redundant Drilled Shaft Bridge Foundation Studies. This type of work includes the work activities described in Type of Work 9.4.1: Standard Foundation Studies and, in addition, the complex geotechnical analyses required from the design and construction of non-redundant drilled shaft bridge foundations.

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 experience in the activities normally associated with the category(ies) under consideration.

a. Type of Work 9.1: Soil Exploration. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with soil exploration. The consultant must have equipment (in-house or subcontracted) necessary to perform the work. 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. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with geotechnical 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. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with 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, muffle furnace, compaction hammer, molds LBR loading devices with penetration piston, soak tanks, and ignition furnace.

d. Type of Work 9.4: Foundation Studies.

(I) Type of Work 9.4.1: Standard Foundation Studies. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with standard foundation studies.

(II) Type of Work 9.4.2: Non-redundant Drilled Shaft Bridge Foundation Studies. This type of work requires qualification in Type of Work 9.4.1: Standard Foundation Studies, and, in addition, two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of three years of experience each in activities normally associated with non-redundant drilled shaft foundation design. The qualifying professional engineers shall be responsible for the quality assurance of the design services, and shall sign a letter of certification stating that the project documents have been reviewed under the quality assurance process, and that all issues are resolved.

(III) ~~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. CEI Construction Engineering Inspection.~~ This ~~type of work group~~ involves the monitoring and inspection of the work required under various construction contracts. This type of work includes coordinating with other public agencies, utilities, and affected property owners.

1. This group includes the following subcategories of qualification:

a. Type of Work 10.1: Roadway ~~CEI 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: ~~Reserved. 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.

d. Type of Work 10.4: Major Bridge CEI. This type of work includes the CEI of conventional non-standard concrete box culverts, retaining walls, sound barriers, structural supports for highway signs, luminaries, and traffic signals. Generally, this group of structures is limited to 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 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.

e. Type of Work 10.5: Major Bridge CEI. This type of work includes CEI of structures that cannot be included in Type of Work 10.4 because of deck area, complex geometry (curvature, skew, or variable width), complex design (including bridges with statically indeterminate superstructure components) with spans estimated to be less than 400 feet, non-conventional substructures, bridges over navigable waters, and railroad bridges. This group is separated into three categories:

(I) Type of Work 10.5.1: Major Bridge CEI – Concrete. This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of structurally-continuous concrete superstructures (longitudinally post-tensioned concrete beam bridges, etc.), reinforced concrete boxes, and post-tensioned substructures.

(II) Type of Work 10.5.2: Major Bridge CEI – Steel. This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of structurally-continuous steel superstructures (steel box girders, curved steel girder bridges, etc.).

(III) Type of Work 10.5.3: Major Bridge CEI – Segmental. This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of precast or cast-in-place concrete post-tensioned segmental superstructures or substructures.

f. Type of Work 10.6: Movable Span Bridge CEI: This type of work includes the CEI of structures that cannot be included in Type of Work 10.5.1 or 10.5.2 because of unique, specialized, or uncommon types of designs. Typically, this includes the construction, rehabilitation, widening, or lengthening of bridges with estimated span(s) longer than 400 feet, tunnels, cable-stayed bridges, suspension bridges, truss spans, arch bridges, and bridges requiring unique analytical methods or other design features not commonly addressed in AASHTO publications. This group is separated into two categories:

(I) Type of Work 10.6.1: Complex Bridge CEI – Concrete: This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of concrete superstructures of the structure types listed in Type of Work 10.6.

(II) Type of Work 10.6.2: Complex Bridge CEI – Steel: This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of steel superstructures of the structure types listed in Type of Work 10.6.

g. Type of Work 10.7: Movable Span Bridge CEI: This type of work includes the CEI of bascule bridges and other movable bridges. The work includes all structural, electrical, and mechanical requirements. Typically, this includes CEI for the construction, rehabilitation, widening, or lengthening of bascule bridges, swing bridges, and vertical lift bridges.

2. Qualification Requirements.

a. Type of Work 10.1: Roadway ~~CEI 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: ~~Reserved. 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.

d. Type of Work 10.4: Minor Bridge and Miscellaneous Structures CEI. 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 experience in the performance of CEI for Type of Work 10.4; and two engineers/project administrators having a minimum of three years each CEI for Type of Work 10.4.

e. Type of Work 10.5.1: Major Bridge CEI – Concrete. 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 in the performance of CEI for Type of Work 10.5.1 in continuous span concrete bridges as defined in Type of Work 10.5.1, excluding segmental bridges, or qualified as required in work group 10.5.3 with one additional year of CEI experience in continuous span concrete bridges as defined in Type of Work 10.5.1, three or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.2.

e. Type of Work 10.5.2: Major Bridge CEI – Steel. 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 in the performance of CEI for Type of Work 10.5.2 in continuous

span steel bridges as defined for Type of Work 10.5.2 above and three or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.2.

f. Type of Work 10.5.3: Major Bridge CEI – Segmental. 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 in the performance of CEI for Type of Work 10.5.3 in continuous span post-tensioned segmental concrete (precast or cast-in-place) bridges as defined for Type of Work 10.5.3 and three or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.3.

g. Type of Work 10.6.1: Complex Bridge CEI – Concrete. 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 experience each in the performance of CEI for Type of Work 10.6.1 in categories as defined in Type of Work 10.6.1 and four or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.1.

h. Type of Work 10.6.2: Complex Bridge CEI – Steel. 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 experience each in the performance of CEI for Type of Work 10.6.2 and four or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.6.2.

i. Type of Work 10.7: Movable Span Bridge CEI. This type of work requires qualification in Type of Work 10.5.2 and also requires an electrical engineer and a mechanical engineer both registered with the Florida State Board of Professional Engineers. In addition to the experience requirements for Type of Work 10.5.2, the professional engineers will have at least five years of experience in the performance of CEI for Type of Work 10.7 and three engineers/technicians shall have a minimum of three years of movable bridge experience in the performance of CEI for Type of Work 10.7. At least one of the professional engineers or engineer/technicians will have experience in CEI of at least three movable bridges electrical control systems within the last 10 years and one will have experience in CEI of at least three movable bridge drive systems within the last 10 years. The electrical engineer will have experience in CEI 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 CEI of at least three movable bridge drive systems within the last 10 years and experience with the bridge drive systems commonly used within the last 30 years.

(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 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 4.1.1, 4.1.2, 4.2.1, 4.2.2 ~~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 ~~type of 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 sub-categories 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.

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 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 of 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 of 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 of 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 of 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 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 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 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 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 experience in comprehensive planning or areas directly related to assessing impacts to private property; or at least one landscape architect registered with the Florida State Board of Landscape Architecture, having training and experience in areas directly related to assessing impacts to private property, or at least one planner, certified with the American Institute of Certified Planners, with a minimum of three years of 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 experience in activities associated with the collection of traffic data of a statistical nature that can be used in the Department's databases 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 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 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.

(n) 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 a person is employed or retained to act as a disinterested third party in rendering objective and unbiased analyses, opinions, reviews, or conclusions relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property. Such appraisal services must be in compliance with the Uniform Standards of Professional Appraisal Practice, as incorporated by reference in Section 475.628, Florida Statutes.

2. Qualification Requirements. This type 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.

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

1. Type of Work. This type of work involves notifying all affected parties of their rights pursuant to Section 73.015, 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; preparing real property/personal property inventories; making purchase offers including the approved market value estimate, 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 type of 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 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 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 hours of completed course work, 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 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 offer 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 type of work involves preparing real property/personal property inventories and inventory updates up to and including final disposition of the property; performing property inspections on an ongoing basis to determine the need for rodent control, maintenance, and security; conducting negotiations for short-term leases and preparing leasing documents for real and personal property prior to construction of a project; preparing, obtaining, managing, and reviewing 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 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, 4-29-03,_____.

14-75.004 Consultant Competitive Selection Process.

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

(1) Notice.

(a) Except when there is a public emergency certified by the Secretary of Transportation, the Department shall provide notice whenever it requires professional services for a project, the basic construction cost of which is estimated by the Department to be more than the threshold amount in Section 287.017, Florida Statutes, for category five, or when the fee for professional services for a fixed capital outlay study or planning activity exceeds the threshold amount provided in Section 287.017, Florida Statutes, for category two. The Department will provide the foregoing notice at its Internet address (<http://www.dot.state.fl.us/procurement/> ~~www11-myflorida.com/procurement/~~). 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 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.

(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 paragraph (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 to meet the requirements of the major type(s) of work for which it is not currently qualified when responding to advertisements. 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), 837.06 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, 4-29-03, _____.

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

(1) 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.~~

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

(b) The consultant's work performance in one of the work types defined in Rule 14-75.003, F.A.C., is not satisfactory. Unsatisfactory performance shall consist of failure to meet project:

1. Schedule requirements,
2. Management requirements, or
3. Quality requirements.

Unsatisfactory performance will result in revocation, denial, or suspension of qualifications for that type of work for a period not to exceed one year.

~~(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.~~

~~(c)(e)~~ Any other good cause, as defined in Section 337.105(1), Florida Statutes, established by the factual circumstances.

(2) For any of the reasons provided in subsection 14-75.0051(1), F.A.C., ~~other than receipt of an unsatisfactory work performance grade~~, the Department will revoke, 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, F.A.C.

(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's 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, 4-29-03,_____.

14-75.0052 Professional Consultant Work Performance Evaluation System.

(1) The Department shall have a system to evaluate the performance of consultants on professional services contracts. The system shall consider the consultant's performance for the entire length of the contract and evaluate the products produced by the consultant. A copy of the completed evaluation shall be provided to the consultant's project manager and the officer who executed the agreement. A final composite evaluation of the consultant's contract performance shall be developed by combining all of the consultant's evaluations for the full length of the contract. The consultant's work performance on each professional service contract must be evaluated by the Department's project manager(s) or task manager(s). A work performance grade for each major type of work shall be based on an evaluation of Schedule, Management, and Quality. The schedule rating shall be based on the consultant's compliance with the contract schedule. The Management rating shall be based on the consultant's ability to manage all necessary project resources. The Quality rating shall be based on the consultant's attention and concern to the established quality control plan and a quality product. The project manager shall assign the Quality rating to any qualified consultant named in the agreement for any major type of work performed. For all professional services contracts that result in the preparation of construction plans, a Constructibility rating shall also be assigned. The Constructibility rating shall be based on the design consultant's ability to develop practical, accurate, complete, and cost effective construction plans. 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) The rating system for all work types shall be on a 1 to 5 rating scale with 1 equating to poor performance and 5 representing outstanding performance. Ratings will be assigned on a continuum of 1 to 5. 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 by the Department's Resident Engineer within 30 days after final acceptance of the construction project. The resulting Constructibility 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 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 the completed consultant performance grade, interim or final 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, 4-29-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terry Cappellini, Manager, Procurement Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE TITLE: Confidential Records
RULE NO.: 33-601.901

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise rule language and forms for clarity and consistency with state and federal law governing confidentiality of records.

SUMMARY: Provisions identifying categories of confidential records are amended to reflect recent changes to state confidential records laws. The department's consent and authorization for use, disclosure, inspection and release of confidential information form is revised to reflect recent changes to state confidential records laws and to clarify special requirements related to health information. The department's acknowledgement of responsibility to maintain confidentiality of medical information form is revised to allow use by volunteers as well as employees. Provisions related to written consent for release of medical information are revised to allow use of a legally approved, HIPAA compliant release form from another governmental agency in place of the department form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 20.315, 944.09, 945.10, 945.25 FS.

LAW IMPLEMENTED: 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3, 45 CFR Parts 160 and 164.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) No change.

(b) Inmate and offender access to their own medical or substance abuse clinical records.

1. Definitions.

a. "Medical record" as used in this rule includes the inmate's medical, mental health, and dental files maintained by the department.

b. through e. No change.

2. through 9. No change.

(c) No change.

(2) No change.

(3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule:

(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only ~~upon~~ when necessary to ensure that the inmate's or offender's overall health care needs are met, or a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection And Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA

compliant release of protected health information form from another governmental agency shall ~~must~~ be utilized in order to obtain inmate medical records held by the department. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is July 8, 2003. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.

(b) through (f) No change.

(g) The identity of an executioner or any person prescribing, preparing, compounding, dispensing, or administering a lethal injection.

(h) No change.

(4) Blueprints, detailed physical diagrams, photographs, and security system plans of institutions and facilities are confidential and can be released only as provided by law. and

(5) Ceomputer printouts containing information on inmates or offenders except those printouts specifically designated for public use are confidential and can be released only as provided in (6)(5)(d) of this rule.

(6)(5) No change.

(7)(6) After victim information has been redacted, access to preplea, pretrial intervention, presentence or postsentence investigations is authorized as follows:

(a) To any other state or local government agency not specified in subsection (6)(5), upon receipt of a written request which includes a statement demonstrating a need for the records or information;

(b) through (c) No change.

(d) Written requests under paragraphs (a) and (b) and (e) above must be submitted to the Bureau Chief of Classification and Central Records or designee for approval if the request pertains to an inmate record. If the request pertains to a report in a supervision file, the request shall be submitted to the correctional probation circuit administrator or designee of the office where such record is maintained. If confidential health information is included in the presentence or postsentence investigation, authorization for release must be obtained from the inmate or offender.

(8)(7) No change.

(9)(8) Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:

(a) With the prior written consent of the inmate or offender. The written consent shall include the following information:

1. through 8. No change.

9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given. If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent and Authorization for Use and Disclosure, Inspection And Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall ~~must~~ be utilized in order to obtain medical records held by the department.

(b) Pursuant to 42 CFR Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:

1. No change.

2. The inmate or offender has signed Form DC4-711B meeting the requirements of subsection (9)(8)(a), except for the revocation provision in (9)(8)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:

a. through c. No change.

(c) A disclosure may not be made on the basis of a consent which:

1. No change.

2. On its face substantially fails to conform to any of the requirements set forth in (9)(8)(a) above:

3. through 4. No change.

(d) through (e) No change.

(10)(9) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee

shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC2-813 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-8-03.

Specific Authority 20.315, 944.09, 945.10, 945.25 FS, ~~45 CFR Parts 160 and 164~~. Law Implemented 944.09, 945.10, 945.25, 947.13 FS, 42 USCS 290 ee-3, 45 CFR Parts 160 and 164. History--New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Mental Health Targeted Case Management Services
 RULE NO.: 59G-4.199

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook, October 2005. The handbook contains the policies and procedures for the Medicaid Mental Health Targeted Case Management Program. The effect will be to incorporate by reference in the rule the current Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook.

In the Notice of Rule Development that was published in the Florida Administrative Weekly, Vol. 30, No. 51, on December 17, 2004, we stated that the Florida Medicaid Mental Health Targeted Case Management Handbook, which we are incorporating by reference in the rule, was effective October 2003. We have changed the effective date to October 2005.

SUMMARY: The purpose of this rule is to incorporate by reference the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook, October 2005.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908 FS.

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

TIME AND DATE: 2:00 p.m., Monday, January 9, 2006

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Comeaux, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8288

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.199 Mental Health Targeted Case Management Services.

(1) This rule applies to all mental health targeted case management providers enrolled in the Medicaid Mental Health Targeted Case Management Program.

(2) All Medicaid-enrolled mental health targeted case management providers must be in compliance with the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook, October 2005, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) The following forms that are included in the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook are incorporated by reference: Agency Certification, Children’s Mental Health Targeted Case Management, October 2005, in Appendix B, one page; Agency Certification, Adult Mental Health Targeted Case Management, October 2005, in Appendix C, one page; Agency Certification, Intensive Case Management Team Services, Adult Mental Health Targeted Case Management, October 2005, in Appendix D, one page; Case Management Supervisor Certification, Children’s Mental Health Targeted Case Management, October 2005, in Appendix E, one page; Case Management Supervisor Certification, Adult Mental Health Targeted Case Management, October 2005, in Appendix F, one page; Case Manager Certification, Children’s Mental Health Targeted Case Management, October 2005, in Appendix G, one page; Case Manager Certification, Adult Mental Health Targeted Case Management, October 2005, in Appendix H, one page; Children’s Certification, Children’s Mental Health Targeted Case Management, October 2005, in Appendix I, one

page; Adult Certification, Adult Mental Health Targeted Case Management, October 2005, in Appendix J, one page; Adult Certification, Intensive Case Management Team Services, Adult Mental Health Targeted Case Management, October 2005, in Appendix K, two pages; Medicaid 30-Day Certification for Children's or Adult Mental Health Targeted Case Management, October 2005, in Appendix L, one page.

Specific Authority 409.919, FS. Law Implemented 409.906, 409.907, 409.908, FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michelle Comeaux
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE TITLE: Approved Forms
PURPOSE AND EFFECT: To repeal an unnecessary rule.

RULE NO.: 61A-2.019

SUMMARY: The Department proposes to repeal this rule as it is obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 120.53(1)(b) FS.

LAW IMPLEMENTED: 120.53 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: E. Renee Alsobrook, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399 (850)488-0062

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-2.019 Approved Forms.

Specific Authority 120.53(1)(b) FS. Law Implemented 120.53 FS. History--New 11-19-81, Formerly 7A-2.19, 7A-2.019, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Department of Business and Professional Regulation
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Process for Program Approval
PURPOSE AND EFFECT: To address requirements for CE Program approval.

RULE NO.: 64B1-6.008

SUMMARY: The proposed rule simplifies the program approval process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.013(7), (8), (9), 456.025, 457.104, 457.107(3) FS.

LAW IMPLEMENTED: 456.013(7), (8), (9), 456.025, 457.107(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-6.008 Process for Program Approval.

(1) In order to receive Board approval of one or more programs ~~Each program~~ for which continuing education credit is awarded within a biennium to an acupuncture licensee ~~must be approved by the Board.~~ a provider shall submit an Application for approval Form DOH/AP006, Continuing Education Program Approval, which is hereby incorporated by

reference and will be effective 7-26-04, copies of which may be obtained from the Board office shall be submitted to the Board Office for program approval.

(2) The following courses, that meet the criteria for approval under this section, are approved by the Board: Each program application shall contain:

(a) Organized courses of study sponsored by a national or state acupuncture and/or oriental medicine organization that is registered with the Board.

(b) Organized courses of study sponsored by an accredited acupuncture and/or oriental medicine school that is registered with the Board.

- (a) ~~A detailed program outline or syllabus;~~
- (b) ~~A current curriculum vitae of each speaker or lecturer;~~
- (c) ~~The procedure to be used for recording attendance; and~~
- (d) ~~Evidence of meeting all the requirements of Rule 64B1-6.005, F.A.C.~~

(3) The Board retains the right and authority to audit and/or monitor programs given by any provider. The Board will reject individual programs offered by a provider if the provider has disseminated any false or misleading information in connection with the continuing education program, or if the program provider has failed to conform to and abide by the rules of the Board. Upon approval of a program, the Board will assign an identification number to that program.

(4) No change.

Specific Authority 456.013(7), (8), (9), 456.025, 457.104, 457.107(3) FS. Law Implemented 456.013(7), (8), (9), 456.025, 457.107(3) FS. History—New 2-24-88, Formerly 21AA-6.008, 61F1-6.008, Amended 1-16-97, Formerly 59M-6.008, Amended 2-18-98, 7-26-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Retired Status Fee
RULE NO.: 64B2-12.020
PURPOSE AND EFFECT: The Board proposes to establish a retired status fee.
SUMMARY: The proposed rule amendment establishes a retired status fee.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 460.408(3) FS.
LAW IMPLEMENTED: 456.013(6), 456.036(10), 460.408 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.020 Retired Status Fee.

The fee for an active or inactive status licensee who chooses retired status is \$50.00.

Specific Authority 456.036(4)(b), 460.405 FS. Law Implemented 456.036(4)(b) FS. History—New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Retired Status License
RULE NO.: 64B2-13.008
PURPOSE AND EFFECT: The Board proposes to establish this rule to delineate requirements for active status licensee conversions to retired status license and licensee conversions from retired status license back to active status.
SUMMARY: The proposed rule amendment establishes this rule to delineate requirements for active status licensee conversions to retired status license and licensee conversions from retired status license back to active status.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 456.036(10), 460.405 FS.
LAW IMPLEMENTED: 456.036(10) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.008 Retired Status License.

(1) Any licensee may elect at the time of licensure renewal to place the license on retired status by paying the retired status fee of \$50.00.

(2) A retired status licensee may change to active status provided:

(a) The licensee must meet the continuing education requirements of Rules 64B2-13.004 and 64B2-13.0045, F.A.C., for each biennium the licensee was in retired status and pay all past renewal fees;

(b) If the license has been in retired status for more than 5 years, the licensee must retake and pass the examination as set forth in Rule 64B2-11.001, F.A.C., and retake an approved laws and rules course as set forth in Rule 64B4-6.0045, F.A.C.

Specific Authority 456.036(10), 460.405 FS. Law Implemented 456.036(10) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases

RULE NO.:

64B2-16.003

PURPOSE AND EFFECT: The Board proposes to add a new guideline in this rule.

SUMMARY: The proposed rule amendment adds a new guideline in this rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.036(10), 460.405 FS.

LAW IMPLEMENTED: 456.036(10) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) When the Board finds that an applicant or licensee whom it regulates pursuant to Chapter 460, F.S., has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in Section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, conditions of probation may be required following any period of suspension of license and probation will require compliance with conditions as set forth in subsection (3). For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) through (zz) No change.

(aaa) Section 456.072(1)(gg), F.S., for being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program – from a minimum of suspension until compliant with contract to \$1000 fine and/or revocation. For subsequent offenses, suspension until compliant with contract to \$10,000 and/or revocation.

(2) through (3) No change.

Specific Authority 456.039(3), 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.039(3), 456.072, 456.079, 460.413(4) FS. History--New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, 5-23-04, 4-13-05, 9-15-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Retired Status License
RULE NO.: 64B4-6.0014

PURPOSE AND EFFECT: The Board proposes to update requirements for a retired status license.

SUMMARY: The proposed rule amendment updates requirements for a retired status license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.036(10), 491.004(5) FS.

LAW IMPLEMENTED: 456.036(10) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.0014 Retired Status License.

(1) Any licensee may elect at the time of licensure renewal to place the license on retired status by paying the retired status fee of \$50.00.

(2) A retired status licensee may change to active status provided:

(a) if the license has been in retired status for less than 10 years, the licensee must meet the continuing education requirements of Rules 64B4-6.001 and 64B4-6.002, F.A.C., for each biennium the licensee was in retired status and pay all past renewal fees;

(b) if the license has been in retired status for more than 10 years, the licensee must retake and pass the applicable examination for the licensee's profession set forth in Rule 64B4-3.003, F.A.C., and retake an approved laws and rules course as set forth in Rule 64B4-6.0045, F.A.C.

Specific Authority 456.036(10), 491.004(5) FS. Law Implemented 456.036(10) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Selection of Examiners
RULE NO.: 64B5-2.020

PURPOSE AND EFFECT: The Board proposes to clarify that the rule applies to retention of examiners, as well as to selection of examiners.

SUMMARY: The Rule clarifies that the Section applies to eligibility for retention, as well as selection of, examiners.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.017(1)(b), 466.004(3) FS.

LAW IMPLEMENTED: 456.017(1)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.020 Selection of Examiners.

(1) In order to be eligible for selection and retention as an examiner, a Florida Licensed dentist or dental hygienist must meet the following minimum qualifications:

(a) through (7) No change.

Specific Authority: 456.017(1)(b), 466.004(3) FS. Law Implemented 456.017(1)(b) FS. History—New 5-24-83, Amended 5-27-84, Formerly 21G-2.20, 21G-2.020, 61F5-2.020, 59Q-5.020, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Retired Status and Reactivation of Retired Status License

RULE NO.: 64B5-10.011

PURPOSE AND EFFECT: The Board proposes the promulgation and adoption of this rule to address retired status licenses, how to place a license in retired status and how to reactivate a license placed in retired status, in order to implement Section 456.036, F.S., 2005.

SUMMARY: The rule provides the method and requirements for placing a license in retired status and for reactivating a retired status license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-10.011 Retired Status and Reactivation of Retired Status License.

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal the licensee shall pay the retired status fee set forth in Rule 64B5-15.0122, F.A.C. If the licensee chooses to place the license in retired status at any time other than at the time of license renewal the licensee shall pay the change of status processing fee set forth in Rule 64B5-15.0121, F.A.C. and the retired status fee set forth in Rule 64B5-15.0122, F.A.C.

(2) A licensee may reactivate a retired status license at any time, subject to meeting the following requirements:

(a) Paying the reactivation fee set forth in Rule 64B5-15.0091, F.A.C.:

(b) Showing documentary proof of satisfying the continuing education requirements of Rules 64B5-12.013, 64B5-12.016, 64B5-12.019, 64B5-12.020, F.A.C. for each licensure biennial period in which the license was in retired status.

Specific Authority 456.036 FS. Law Implemented 456.036, FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Fee for Reactivation of Retired License
Change of Status Processing Fee for

Retired Status
Retired Status Fee

RULE NOS.: 64B5-15.0091
64B5-15.0121
64B5-15.0122

PURPOSE AND EFFECT: The Board proposes the adoption of these new rule fee sections to address the new retired status licenses in order to implement Section 456.036, F.S., 2005.

SUMMARY: The new rule Rule 64B5-15.0091, F.A.C., provides the fee formula for reactivating a retired status license. The new Rule 64B5-15.0121, F.A.C., provides the change of status processing fee for placing a license in retired status at any time other than at license renewal. The new rule Rule 64B5-15.0122, F.A.C., provides the fee for placing a license in retired status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.013, 456.017(2), 456.023, 456.025(4), 456.036, 466.004, 466.006(1), 466.007(1), 466.013, 466.015, 466.017 FS.

LAW IMPLEMENTED: 456.013, 456.017(2), 456.023, 456.025, 456.036, 466.006(1), 466.007(1), 466.009(1), 466.013, 466.015, 466.017 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry /MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-15.0091 Fee for Reactivation of Retired License.

The fee for reactivation of a retired license shall be payment of all biennial renewal fees that would have been imposed on an active status licensee pursuant to Rule 64B5-15.006, F.A.C., for all of the biennial periods wherein the licensee had a retired license.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New _____.

64B5-15.0121 Change of Status Processing Fee for Retired Status.

The fee for changing to retired status at any time other than at license renewal shall be \$300.00 for a dental license and \$135.00 for a dental hygiene license.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New _____.

64B5-15.0122 Retired Status Fee.

The retired status fee shall be \$50.00.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Remediable Tasks Delegable to a 64B5-16.006
Dental Hygienist

PURPOSE AND EFFECT: The Board proposes to adopt a change to this section. The change will allow dental hygienists to perform the application of sealants to patients under the indirect supervision of a licensed dentist.

SUMMARY: The Rule allows dental hygienists to perform the task of applying sealants to patients to be done under the indirect supervision of a dentist.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

(1) The following remediable tasks may be performed by a dental hygienist who has received formal training and who performs the tasks under direct supervision:

~~(a) Applying sealants;~~

~~(a)(b)~~ Marginating restorations with finishing burs, green stones, and/or burlew wheels with slow-speed rotary instruments which is not for the purpose of changing existing contours or occlusion;

~~(b)(e)~~ Fabricating temporary crowns or bridges intra-orally which shall not include any adjustment of occlusion to the appliance or existing dentition;

~~(c)(d)~~ Cementing temporary crowns and bridges with temporary cement;

~~(d)(e)~~ Selecting and pre-sizing orthodontic bands, including the selection of the proper size band for a tooth to be banded which does not include or involve any adapting, contouring, trimming or cementing or otherwise modifying the band material such that it would constitute fitting the band;

~~(e)(f)~~ Selecting and pre-sizing archwires prescribed by the patient's dentist so long as the dentist makes all final adjustments to bend, arch form determination, and symmetry prior to final placement;

~~(f)(g)~~ Selecting prescribed extra-oral appliances by pre-selection or pre-measurement which does not include final fit adjustment;

~~(g)(h)~~ Placing or removing prescribed pre-treatment separators;

~~(h)(i)~~ Preparing a tooth surface by applying conditioning agents for orthodontic appliances by conditioning or placing of sealant materials which does not include placing brackets;

~~(i)(j)~~ Monitor the administration of the nitrous-oxide oxygen making adjustments only during this administration and turning it off at the completion of the dental procedure;

~~(j)(k)~~ Packing and removing retraction cord, so long as it does not contain vasoactive chemicals and is used solely for restorative dental procedures;

~~(k)(l)~~ Removing and re-cementing properly contoured and fitting loose bands that are not permanently attached to any appliance;

~~(l)(m)~~ Securing or unsecuring an archwire by attaching or removing the fastening device;

~~(m)(n)~~ Inserting or removing dressings from alveolar sockets in post-operative osteitis when the patient is uncomfortable due to the loss of a dressing from an alveolar socket in diagnosed cases of post-operative osteitis;

~~(n)(o)~~ Making impressions for study casts which are being made for the purpose of fabricating orthodontic retainers.

(2) The following remediable tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training and who performs the tasks under indirect supervision:

(a) through (f) No change.

(g) Taking of impressions for and delivery of at-home bleaching trays; ;

(h) Applying sealants.

(3) through (5) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024 FS. History--New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98, 3-25-99, 4-24-00, 9-27-01, 7-13-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS.:
Definitions	66B-1.003
Funds Allocation	66B-1.005
Application Process	66B-1.006

Small-scale Spoil Island Restoration and Enhancement Projects	66B-1.014
Small-Scale Derelict Vessel Removal Projects	66B-1.015

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Update and correctly identify the eligible member counties of the District; Update and correctly identify the required forms for the grant application process; re-name the emergency grant process to properly reflect its purpose; and initiate a new program for small-scale derelict vessel removal.

The effect of the rule development is to implement changes in the administration of the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Small-scale Spoil Island Restoration And Enhancement Projects, Small-Scale Derelict Vessel Removal Projects

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

TIME AND DATE: 11:00 a.m., January 18, 2006

PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.001 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) through (10) No change.

(11) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(12) through (24) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, _____.

66B-1.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible state and regional agencies of the availability of program funding and the authorized submission period. Applications will be reviewed by the Board utilizing District Forms No. 00-25 and No. 00-25 (a thru f) Cooperative Assistance Program Application Evaluation and Rating Form Worksheet (effective date _____) hereby incorporated by reference and available from the District office.

(1) through (6) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, _____.

66B-1.006 Application Process.

(1) Application Period: Applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Form: Florida Inland Navigation District Cooperative Assistance Program Application; Applicant Information – Project Summary, Form No. 90-12 (effective date _____) is hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program shall be made on this form. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, and the Small-Scale Derelict Vessel program, all applications for financial assistance and support through this program from state agencies shall also be made on Form Number FIND 90-12a (effective date _____) and shall include a detailed cost estimate submitted on FIND Form No. 90-25 (effective date _____), hereby incorporated by reference and available from the District office.

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Resolution Form No. 90-11 (effective date 10-14-92)

hereby incorporated by reference and available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 93-26 (effective date 3-5-00) hereby incorporated by reference and available from the District office.

(5) Application Review: If the proposed project is a construction project within a single County, a pre-application meeting will be held with the local FIND Commissioner prior to formal submission of the application. If the proposed project is a regional project, a pre-application meeting will be held with District staff prior to formal submission of the application. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-16 (effective date 7-30-02) hereby incorporated by reference and available from the District office, and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, Staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-1.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-~~16~~ 26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-1, F.A.C.

(6) Interlocal Agreements: The District may enter into interlocal agreements to accomplish the goals of this program provided that funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs at the time of the request. Interlocal agreements will be considered by the Board at any time upon submission of a proposal on the forms of this program. Interlocal agreements under this program shall be in compliance with Chapters 374 and 163, F.S., and will only be approved for multi-agency projects that involve more than one project site or more than one political sub-division of the state, will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel ~~in Martin County~~ as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or will have multiple funding partners

including the Corps of Engineers as the project manager. Interlocal agreements may include participation in government sponsored projects at privately owned waterway related facilities that serve the public on a first come, first serve basis. Applications that the Board determines meet the criteria set forth in subsection 66B-1.005(5), F.A.C., can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify applications that appear to meet these criteria and present them to the Board for its determination as to the funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for the permitting and property control requirements.

(7) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(8) Application Evaluation: Following the presentations, the Board will review the applications and evaluate them using the Project Evaluation and Rating Worksheet Form No. 00-25 (effective date _____) hereby incorporated by reference and available from the District office. The total points awarded to each application by the Commissioners will be averaged to determine an applications final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application.

(9) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended 3-5-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, _____.

66B-1.014 Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

- (1) through (5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 7-30-02, Amended _____.

66B-1.015 Small-Scale Derelict Vessel Removal Projects. Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (effective date _____), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have an outstanding bid for removal for such vessels, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for profit organization.

(4) District funding shall be limited to \$10,000.00 per county, per year, provided on a reimbursement basis only.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 50% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in, or immediately adjacent to, the Atlantic Intercoastal Waterway.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark T. Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS.:
Definitions	66B-2.003
Funds Allocation	66B-2.005
Application Process	66B-2.006
Disaster Relief Applications	66B-2.0061
Small-scale Spoil Island Restoration and Enhancement Projects	66B-2.014
Small-Scale Derelict Vessel Removal Projects	66B-2.015

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Update and correctly identify the eligible member counties of the District; Update and correctly identify the required forms for the grant application process; re-name the emergency grant process to properly reflect its purpose; and initiate a new program for small-scale derelict vessel removal.

The effect of the rule development is to implement changes in the administration of the District’s Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY: Waterways Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Emergency Applications, Small-scale Spoil Island Restoration and Enhancement Projects, Small-Scale Derelict Vessel Removal Projects.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

TIME AND DATE: 11:00 a.m., January 18, 2006

PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386.

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-2.003 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) through (12) No change.

(13) “MEMBER COUNTY” means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(14) through (27) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05,_____.

66B-2.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (a thru fe) Waterways Assistance Program Application Evaluation and Rating Worksheet Form (effective date _____); and 93-25 and 93-25 (a, and b and c) Waterways Assistance Program Navigation Districts Application Evaluation and Rating Worksheet Form (effective date _____), hereby incorporated by reference and available from the District office.

(1) Funding Assistance Availability: In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District’s ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District’s overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) through (6) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History–New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05,_____.

66B-2.006 Application Process.

(1) Application Period: Applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Application Form Number FIND 90-22 (effective date _____) and 93-22 (effective date _____) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement projects program, the Small-Scale Public Safety Vessels program and the Small-Scale Derelict Vessel program, all applications for financial assistance and support through this program from member counties and local governments shall also be made on Form Number FIND 90-22 and shall include a detailed cost estimate submitted on FIND Form No. 90-25 (effective date _____), hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program from navigation related districts shall be made on Form Number FIND 93-22 (effective date _____), and shall include a detailed cost estimate submitted on FIND Form No. 90-25, hereby incorporated by reference and available from the District office.

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Resolution Form No. 90-21 (effective date 10-14-92) hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Application Review: Applications will be reviewed by the local FIND Commissioner before being submitted to the District office. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02) and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other

information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(6) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel ~~in Martin County~~ as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and project control requirements.

(7) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(8) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Project Evaluation and Rating Worksheets ~~Forms~~ No. 91-25 (effective date _____), and No. 91-25 (a thru f) (effective date _____) for Waterways Assistance Program applications, and 93-25 and 93-25 (a, b and c) (effective date _____) for Navigation Related District applications, hereby incorporated by reference and available from the District office. The total points awarded to each application by the Commissioners will be averaged to determine an applications final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application.

(9) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon

the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, _____.

66B-2.0061 Disaster Relief Emergency Applications.

Disaster Relief Emergency applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended _____.

66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

- (1) through (5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 7-30-02, Amended _____.

66B-2.015 Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (effective date _____), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have an outstanding bid for removal for such vessels, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for profit organization.

(4) District funding shall be limited to \$10,000.00 per county, per year, provided on a reimbursement basis only.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 50% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in, or immediately adjacent to, the Atlantic Intracoastal Waterway.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark T. Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF STATE

Division of Elections

RULE NO.:
1S-2.0115

RULE TITLE:
Certification Requirements for
Supervisors of Elections for
Special Qualification Salary

2ND NOTICE OF CHANGE

Notice is hereby given that Notice of Change which was published in the Florida Administrative Weekly on page 4465, Vol. 31, No. 48, on December 2, 2005, and which included a summary of the changes and a revised proposed text to Rule