

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-1.607 Permit Processing Fee

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend the District's fee rule to establish a 50% fee reduction for petitions for formal determination of wetlands and other surface waters for certain parcels which have had a prior formal determination completed.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

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

LAW IMPLEMENTED: 373.109, 373.421(2), 373.4131 FS.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone: (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sonya White, SWFWMD, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2013060)

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

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: RULE TITLE:

41-2.018 Public Comment

PURPOSE AND EFFECT: Rule proposes to facilitate public comment at board meetings.

SUBJECT AREA TO BE ADDRESSED: Public comment.

RULEMAKING AUTHORITY: 286.0114 FS.

LAW IMPLEMENTED: 286.0114 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE

DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steve Holmes, Executive Director, Florida Commission for the Transportation Disadvantaged, 650 Suwannee Street, MS-49, Tallahassee, Florida 32399, (850)410-5700

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:

64B19-11.012 Application Forms

PURPOSE AND EFFECT: The rule amendment is to reflect an increase of \$5.00 in the Laws and Rules CBT Exam Fee.

SUBJECT AREA TO BE ADDRESSED: Application Form changes.

RULEMAKING AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 456.0635, 490.005, 490.006, 490.007(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Department of Health, 4052 Bald Cypress Way Bin #C05, Tallahassee, Florida 32399-0797

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.: RULE TITLES:

68B-58.001 Designation as a Restricted Species

68B-58.005 Commercial Seasons

68B-58.006 Allowed and Prohibited Gear and Method of Harvest

PURPOSE AND EFFECT: NOAA Fisheries Highly Migratory Species (HMS) Division recently implemented new federal commercial swordfish rules. These new rules: (1) created a new, open access commercial permit for swordfish harvest, (2) allow for-hire vessels that possess a federal HMS Charter/Headboat permit to commercially harvest and sell swordfish when not operating as a vessel for-hire, and (3) set

regional bag limits and allowable gears for vessels fishing under these new permits. The purpose of this rule development notice is to modify state swordfish rules to designate swordfish as a restricted species, establish allowable gears in state waters, allow fishermen operating under new and modified federal commercial swordfish permits to land and sell fish in Florida, require wholesale dealers purchasing swordfish to obtain a federal Atlantic swordfish dealer permit, update size limits, and clarify federal citations in state rules.

The effect of these rule amendments would be that Florida commercial swordfish rules, including seasons and requirements for sale, would be consistent with federal rules. Florida fishermen fishing under the new federal regulations would be allowed to land and sell their catch in Florida. The size limit for swordfish would also be applied consistently in state and adjacent federal waters. Additionally, designating swordfish as a restricted species would ensure that the swordfish commercial fishery is limited to people who make their living from commercial or for-hire fishing. Other effects include that allowable gears for swordfish harvest in state waters would be clarified, and by updating federal rule citations in state swordfish rules, constituents would know which version of the federal rules is being referenced.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development notice include designation as a restricted species, commercial seasons, gear restrictions and other subjects encompassed by the above-cited possible rules.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Suite 201, Tallahassee, Florida 32301, (850)487-0554

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.: **RULE TITLES:**

5E-1.024 Commercial Fertilizer Tests

5E-1.027 Investigational Allowances

5E-1.028 Matching Criteria

PURPOSE AND EFFECT: The purpose of this rulemaking is to provide notice of the form (FDACS-13409 Rev. 10/13) incorporated by reference in the rule, update the assays and fees for commercial fertilizer testing, establish certain investigational allowances for fertilizer deficiencies in rule and a date by which such allowances are effective and other allowances are repealed, and establish matching criteria for referee fertilizer analysis in rule in accordance with Chapter 2013-226, s. 14, 15 and 16, Laws of Florida amending Sections 576.051, 576.061 and 576.181, Florida Statutes. The effect of this rulemaking will be to provide notice of the form incorporated by reference in the rule and bring the form into compliance with Section 120.55(1)(a)4., Florida Statutes, to revise assays and fees to match those in the new Laboratory Information Management System, to establish certain investigational allowances for fertilizer deficiencies in rule including the revisions recently made by the Association of American Plant Food Control Officials (AAPFCO) for higher percent available phosphate and soluble potash guarantees and establish the date by which such allowances are effective and other allowances are repealed, and establish matching criteria for referee fertilizer analysis determinations in rule that provide for more statistically defensible determinations for low nutrient guarantees in accordance with Chapter 2013-226, s. 14, 15 and 16, Laws of Florida amending Sections 576.051, 576.061 and 576.181, Florida Statutes.

SUMMARY: This rulemaking is to provide notice of a form, update assays and fees for commercial fertilizer tests, establish certain investigational allowances for fertilizer deficiencies in rule that were previously in Chapter 576 FS and a date by which such allowances are effective and establish matching criteria for referee fertilizer analysis in rule that were previously defined in Chapter 576, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact of potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the Department relied upon its experience with adoption of rules of this nature. Additionally, no interested party submitted information regarding the economic impact.

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

RULEMAKING AUTHORITY: 576.051, 576.061, 576.181 FS.

LAW IMPLEMENTED: 576.051, 576.061, 576.181 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia Lucas, Bureau Chief, Bureau of Agricultural Environmental Laboratories, 3125 Conner Boulevard, Building 7, Tallahassee, FL 32399-1650, (850)617-7835, Patricia.Lucas@FreshFromFlorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.024 Commercial Fertilizer Tests.

(1) The department will perform, upon request, laboratory assays of fertilizers when the Division of Agricultural Environmental Services determines the requested assay will not interfere with the prescribed duties of the department. Fertilizers submitted for analyses shall be accompanied by a completed form entitled, "Florida Commercial Fertilizer Collection Form (FDACS-13409, Rev. 10/13), which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03361>. Requested assays will be completed upon payment of the charges listed below:

| | |
|---|-------|
| (2) Assay | Fee |
| (a) Total Nitrogen | 50.00 |
| (b) Nitrate Nitrogen (short preparation) | 10.00 |
| (c) Nitrate Nitrogen (long preparation) | 34.00 |

| | |
|---|---------------|
| (c)(d) Ammoniacal Nitrogen (short preparation) | 10.00 |
| (e) Ammoniacal Nitrogen (long preparation) | 34.00 |
| (d)(f) Water Soluble Nitrogen Urea (short preparation) | 10.00 |
| (g) Urea (long preparation) | 34.00 |
| (h) Water Soluble Nitrogen (short preparation) | 10.00 |
| (i) Water Soluble Nitrogen (long preparation) | 34.00 |
| (e)(j) Water Insoluble Nitrogen | 34.00 |
| (k) Controlled Release Nitrogen | 155.00 |
| (l) Other Controlled Release Products | 155.00 |
| (f)(m) Available Phosphorus (P ₂ O ₅) | 40.00 |
| (g) Total Phosphorus (P ₂ O ₅) | 45.00 |
| (h)(n) Soluble Potassium | 34.00 |
| (i)(o) Chlorine | 34.00 |
| (j)(p) Total Magnesium | 34.00 |
| (k)(q) Water Soluble Magnesium | 34.00 |
| (l)(r) Total Manganese | 44.00 |
| (m)(s) Soluble Manganese | 25.00 |
| (n)(t) Chelated Manganese | 34.00 |
| (o)(u) Total Copper | 44.00 |
| (p)(v) Soluble Copper | 25.00 |
| (q)(w) Chelated Copper | 34.00 |
| (r)(x) Total Iron | 44.00 |
| (s)(y) Soluble Iron | 25.00 |
| (t)(z) Chelated Iron | 34.00 |
| (u)(aa) Total Zinc | 44.00 |
| (v)(bb) Soluble Zinc | 25.00 |
| (w)(cc) Chelated Zinc | 34.00 |
| (x)(dd) Aluminum | 44.00 |
| (y)(ee) Boron | 34.00 |
| (z)(ff) Calcium | 44.00 |
| (aa)(gg) Cobalt | 44.00 |
| (bb)(hh) Molybdenum | 44.00 |
| (cc)(ii) Sulfur (combined) | 50.00 |
| (dd)(jj) Sulfur (free) | 75.00 |
| (ee) <u>Non-Nutritive Metals (Pass/Fail Florida Standard)</u> | <u>50.00</u> |
| (ff) <u>Non-Nutritive Metals (Reported in ppm)</u> | <u>100.00</u> |
| (gg) <u>Moisture</u> | <u>25.00</u> |
| (hh)(kk) <u>Calcium Carbonate</u> | <u>50.00</u> |
| (ii)(ll) <u>Calcium Sulfate</u> | <u>50.00</u> |
| (jj)(mm) <u>Magnesium Carbonate</u> | <u>50.00</u> |

Rulemaking Authority 576.051, 576.061, 576.181 FS. Law Implemented 576.051(2), 576.061, 576.181 FS. History–New 10-25-98, Amended _____.

5E-1.027 Investigational Allowances.

(1) Effective July 1, 2014, investigational allowances are set as follows:

(a) Primary plant nutrients; investigational allowances. –

| <u>Guaranteed Percent</u> | <u>Total Nitrogen Percent</u> | <u>Available Phosphate Percent (P₂O₅)</u> | <u>Soluble Potash Percent (K₂O)</u> |
|---------------------------|-------------------------------|---|--|
| 04 or less | 0.49 | 0.67 | 0.41 |
| 05 | 0.51 | 0.67 | 0.43 |
| 06 | 0.52 | 0.67 | 0.47 |
| 07 | 0.54 | 0.68 | 0.53 |
| 08 | 0.55 | 0.68 | 0.60 |
| 09 | 0.57 | 0.68 | 0.65 |
| 10 | 0.58 | 0.69 | 0.70 |
| 12 | 0.61 | 0.69 | 0.79 |
| 14 | 0.63 | 0.70 | 0.87 |
| 16 | 0.67 | 0.70 | 0.94 |
| 18 | 0.70 | 0.71 | 1.01 |
| 20 | 0.73 | 0.72 | 1.08 |
| 22 | 0.75 | 0.72 | 1.15 |
| 24 | 0.78 | 0.73 | 1.21 |
| 26 | 0.81 | 0.73 | 1.27 |
| 28 | 0.83 | 0.74 | 1.33 |
| 30 | 0.86 | 0.75 | 1.39 |
| 32 | 0.88 | 0.76 | 1.44 |
| 34 | * | 0.79 | 1.46 |
| 36 | * | 0.83 | 1.49 |
| 38 | * | 0.86 | 1.51 |
| 40 | * | 0.90 | 1.54 |
| 42 | * | 0.93 | 1.56 |
| 44 | * | 0.96 | 1.58 |
| 46 | * | 1.00 | 1.61 |
| 48 | * | 1.03 | 1.63 |
| 50 | * | 1.07 | 1.66 |
| 52 | * | 1.10 | 1.68 |
| 54 | * | - | 1.70 |
| 56 | * | - | 1.73 |
| 58 | * | - | 1.75 |
| 60 | * | - | 1.78 |
| 62 | * | - | 1.80 |

| <u>Nitrogen Breakdown</u> | <u>Investigational Allowances Percent</u> |
|--|---|
| <u>Nitrate nitrogen</u> | 0.40 |
| <u>Ammoniacal nitrogen</u> | 0.40 |
| <u>Water soluble nitrogen or urea nitrogen</u> | 0.40 |
| <u>Water insoluble nitrogen</u> | 0.30 |

In no case may the investigational allowance exceed 50 percent of the amount guaranteed.

(c) Secondary and micro nutrients, total or soluble. –

| <u>Element</u> | <u>Investigational Allowances Percent</u> |
|-----------------------------------|---|
| <u>Calcium</u> | 0.2 unit + 5 percent of guarantee |
| <u>Magnesium</u> | 0.2 unit + 5 percent of guarantee |
| <u>Sulfur (free and combined)</u> | 0.2 unit + 5 percent of guarantee |
| <u>Boron</u> | 0.003 unit + 15 percent of guarantee |
| <u>Cobalt</u> | 0.0001 unit + 30 percent of guarantee |
| <u>Chlorine</u> | 0.005 unit + 10 percent of guarantee |
| <u>Copper</u> | 0.005 unit + 10 percent of guarantee |
| <u>Iron</u> | 0.005 unit + 10 percent of guarantee |
| <u>Manganese</u> | 0.005 unit + 10 percent of guarantee |
| <u>Molybdenum</u> | 0.0001 unit + 30 percent of guarantee |
| <u>Sodium</u> | 0.005 unit + 10 percent of guarantee |
| <u>Zinc</u> | 0.005 unit + 10 percent of guarantee |

*For N guarantees above 32%, the investigational allowance shall be 0.88; For TSP, the investigational allowance shall be 1.53%

For guarantees not listed, calculate the appropriate value by interpolation.

(b) Nitrogen investigational allowances. –

The maximum allowance for secondary and minor elements when calculated in accordance with this section is 1 unit (1 percent). In no case, however, may the investigational allowance exceed 50 percent of the amount guaranteed.

(d) Liming materials and gypsum. –

| <u>Range Percent</u> | <u>Investigational Allowances Percent</u> |
|----------------------|---|
| <u>0-10</u> | <u>0.30</u> |
| <u>Over 10-25</u> | <u>0.40</u> |
| <u>Over 25</u> | <u>0.50</u> |

(e) Pesticides in fertilizer mixes. – An investigational allowance of 25 percent of the guarantee shall be allowed on all pesticides when added to custom blend fertilizers.

Rulemaking Authority 576.051, 576.061, 576.181 FS. Law Implemented 576.051, 576.061, 576.181 FS. History–New _____.

5E-1.028 Matching Criteria.

Effective July 1, 2014, laboratory determinations from the different laboratories that agree within the investigational allowances listed in Rule 5E-1.027, F.A.C., for the guaranteed nutrient(s) are considered matching results.

Rulemaking Authority 576.051, 576.061, 576.181 FS. Law Implemented 576.051, 576.061, 576.181 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anderson H. Rackley, Director, Division of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 25, 2013

DEPARTMENT OF TRANSPORTATION

- | | |
|-------------------|--|
| RULE NOS.: | RULE TITLES: |
| 14-22.0011 | General Procedural Requirements |
| 14-22.002 | Regulations Covering Qualification of Contractors |
| 14-22.003 | Rating the Applicant |
| 14-22.0041 | Procedure for Qualification and Issuance of Certificate of Qualification |
| 14-22.0042 | Notification of Conviction of Contract Crime |
| 14-22.005 | Period of Validity of Qualification |
| 14-22.006 | Current Capacity Rating |
| 14-22.007 | Joint Ventures |
| 14-22.008 | Eligibility for Obtaining Proposal Documents |
| 14-22.012 | Suspension, Revocation, or Denial of Qualification |

PURPOSE AND EFFECT: The amendments to this rule are being made to clarify language, eliminate the need for audited financial statements for contractors seeking to qualify for projects under \$1,000,000, and requiring contractor notification of civil enforcement or settlements.

SUMMARY: These amendments address contractor qualifications to bid on Department projects. The rule allows contractors to provide financial statements that have been reviewed, instead of audited, by a Certified Public Accountant, for projects under \$1,000,000 or involving only emergency debris removal. To protect contractor information, the rule allows electronic access to contractor maximum bid capacity, by use of a password provided to the contractor. The rule clarifies the period of qualification is eighteen months from the end of the contractors fiscal year and requires the contractor to be qualified in 50% or more of the budget estimate for all work performed, not just specialty work. To prevent contractors from exceeding their capacity, the rule requires contractors to submit monthly updates of capacity use. The joint venture form is being amended by rule to allow either vice president or president to sign on behalf of the joint venture. The rule amends a requirement that a contractor who is qualified or seeking to be qualified, to notify the Department of criminal indictment, information, or conviction of a contract crime, to further require notification of any civil enforcements or settlements. To protect the public interest, a contractor Certificate of Qualification may be denied, suspended, or revoked based on contractor being the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the rule reduces the overall cost for contractor qualification for smaller Department projects, by eliminating the need to provide audited statements.

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

RULEMAKING AUTHORITY: 334.044(2), 337.14(1) FS.
 LAW IMPLEMENTED: 337.11, 337.14, 337.16, 337.164, 337.165, 337.167 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

CONTRACTORS – HIGHWAY –
 QUALIFICATION TO BID

14-22.0011 General Procedural Requirements.

(1) through (2) No change.

(3) Time. In computing any period of time allowed by this chapter, the day of the act from which the period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or legal holiday designated in subsection 110.117(1), F.S., in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday. Online applications and updates must be submitted by 9:00 p.m. Monday through Friday or by 7:00 p.m. on Saturdays based on the due date for the submission by the applicant. The provisions of Rule 28-106.103, F.A.C., shall apply in computing any period of time prescribed by this chapter.

(4) Definitions.

(a) through (g) No change.

(h) “Construction revenues” means all earnings received through contracting for the performance of road, bridge, and other public transportation construction projects (including all earnings derived from providing administration, labor, material, equipment, supplies, and services necessary to fulfill contractual obligations incurred in the performance of road, bridge, and other public transportation construction projects).

(i) “Financial statements” means annual fiscal year-end financial statements audited or reviewed by a Certified Public Accountant. For applicants applying to bid on projects less than \$1,000,000 or projects for Emergency Debris Removal only, financial statements must be reviewed by a Certified Public Accountant prior to submission. For applicants applying to bid on all other projects, financial statements must

be audited by and include the opinion of a Certified Public Accountant. Interim audited or reviewed statements are required when the application is more than four months past the balance sheet date of the financial statements, with the exception of applications for Emergency Debris Removal only.

Rulemaking Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14, 337.16, 337.165, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.011, Amended 12-20-89, 1-4-94, 7-1-95, 8-6-96, 1-17-99, 7-8-01, 6-27-04, 1-23-08, 10-10-10, _____.

14-22.002 Regulations Covering Qualification of Contractors.

(1) Application for Qualification.

(a) Persons or firms who request to qualify to bid for the performance of road, bridge, or public transportation construction projects in excess of \$250,000, shall file an annual Application for Qualification, (Online Web Application), Form 375-020-38, Rev. 11/07, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03119> hereby incorporated by reference. An Application for Qualification shall be filed electronically at http://www.dot.state.fl.us/cc-admin/PreQual_Info/prequalified.shtm. Information or assistance regarding the Application can be obtained from the Department at the address listed below. Persons or firms may obtain information on how to obtain a user name and password to use the Application filing process by contacting the Contracts Administration Office at the address below. The Application will consist of requested information on the Applicant, Applicant’s ~~stakeholders stakeholder~~, Applicant’s affiliates, and shall include the Applicant firm’s background, current and historical contract detail, construction experience and expertise, financial information, and requested work classes. In addition, one original hard copy of the financial statements must be hand-delivered or mailed to: ~~Persons or firms shall also file two hard copies of audited financial statements one copy to accompany the electronic application, and one hard copy as required by this rule via hand delivery or mail to~~ Department of Transportation, Contracts Administration Office, 605 Suwannee Street, MS 55, ~~Room 61~~, Haydon Burns Building, Tallahassee, Florida 32399-0455, (850)414-4000 or contracts.admin@dot.state.fl.us, and must be received prior to qualification approval.

(b) through (h) No change.

(2) ~~Audited~~ Financial statements required to be submitted with the application shall be prepared in accordance with Generally Accepted Accounting Principles (GAAP). If

the ~~audited annual~~ financial statements show the financial condition of the applicant more than four months prior to the date on which the application is filed with the Contracts Administration Office, then an updated application and ~~audited~~ interim financial statements are required ~~shall also be submitted~~. The ~~audited~~ interim financial statements shall cover the period from the ending date of the ~~audited~~ annual statements and shall show the financial condition of the applicant no more than four months prior to the date on which the application is filed. The annual and interim financial statements must be audited or reviewed, as required. Audited financial statements must be ~~and~~ accompanied by the opinion of a Certified Public Accountant. Reviewed financial statements must be accompanied by a review report prepared by a Certified Public Accountant.

(a) An adverse audit opinion or disclaimer of an audit opinion shall result in disapproval of the application. A qualified audit opinion will result in adjustments to the financial portions of the application if such qualification arises because of the use of an accounting principle at variance with GAAP, or the qualification is of such magnitude as to materially affect the current ratio, liabilities, or adjusted net worth.

(b) When consolidated financial statements are required by GAAP, and qualification is requested for one or more of the subsidiary companies, a consolidating balance sheet is required and shall be included by the Certified Public Accountant. When combined financial statements are allowed by GAAP, and qualification is desired for one of the combining affiliated entities, a combining balance sheet is required and must be included by the Certified Public Accountant.

1. For those applications described in paragraph (2)(b), financial information entered in the Details Relative to Assets and Details Relative to Liabilities sections of the application shall be obtained from the consolidating or combining balance sheets, as appropriate, and reflect only those portions of the financial statements relative to the applicant.

2. Only the financial data of the applicant, as shown on the consolidating or combining balance sheets and reflected in the application, will be used in determining the applicant's Current Ratio Factor (CRF), Adjusted Net Worth (ANW), and Maximum Capacity Rating (MCR), as defined in Rule 14-22.003, F.A.C.

(c) The financial statements shall include the following ~~basic financial statements~~:

~~1. The statements shown below and the opinion of the certified public accountant on these statements.~~

1.a. A balance sheet.

~~2.b.~~ An income statement, including separate totals for construction revenues, and all revenues earned during the period covered.

~~3.e.~~ A statement of retained earnings or changes in stockholders' ~~stockholders~~ equity.

~~4.d.~~ A statement of cash flows.

5. A consolidating or combining balance sheet, when required by paragraph 14-22.002(2)(b), F.A.C.

~~2. The income statement above shall provide separate totals for construction revenues, and all revenues earned during the audit period.~~

~~6.3.~~ Notes to financial statements.

7. For projects over \$1,000,000, with the exception of Emergency Debris Removal only contracts, the opinion of a Certified Public Accountant. For projects over \$250,000 but under \$1,000,000, a review report prepared by a Certified Public Accountant.

~~8.4.~~ Upon written request, any additional financial information necessary for the Department to verify the financial adequacy of the applicant as presented in their financial statements ~~and the opinion of the Certified Public Accountant.~~

(d) Applicants not qualified with the Department the previous year shall furnish ~~audited~~ financial statements for a minimum twelve (12) month period showing the financial condition of the applicant no more than four (4) months prior to the date on which the application is filed. Applicants established for less than one year shall furnish ~~audited~~ financial statements from establishment through a period no more than four months prior to the date on which the Application is filed.

(3) through (4) No change.

Rulemaking Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14, 337.164, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(1), (2), (3), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.02, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 6-27-04, 5-15-06, 1-23-08, 10-10-10,_____.

14-22.003 Rating the Applicant.

(1) No change.

(2) Maximum Capacity Rating (MCR).

(a) Definition and Formula. The MCR shall be the total aggregate dollar amount of uncompleted work an applicant may have under contract at any one time as prime contractor and/or subcontractor, regardless of its location and with whom contracted. The MCR shall be established by the Department by multiplying the Ability Factor by the Current Ratio Factor, multiplied by the Adjusted Net Worth (MCR=AF × CRF ×

~~ANW) using the following formula and consideration of the general qualification factors listed in subsection 14-22.0041(1) 14-22.004(1), F.A.C.:~~

~~MCR = AF × CRF × ANW, in which~~

~~MCR = Maximum Capacity Rating~~

~~AF = Ability Factor (determined from the Ability Score as provided below)~~

~~CRF = Current Ratio Factor (determined as provided below)~~

~~ANW = Adjusted Net Worth (determined as provided below).~~

1. Ability Score.

a. No change.

b. If the applicant has been qualified under this rule within the last two years, and three or more Contractor Past Performance Reports are on file for projects completed for the Department within five years of the application filing date, and have not been previously use to determine an Ability Score, the applicant's Ability Score shall be calculated by adding the scores of these reports plus the average score from the previous application and dividing the sum by the number of scores used. Contractor Past Performance Reports shall reflect the applicant's organization, management, and demonstrated work performance, including work sublet to others, as set forth in Form 700-010-25, Rev. 09/05, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03122> hereby incorporated by reference.

c. No change.

d. No change.

2. through 4. No change.

5. The following adjustments shall be applied in the establishment of the CRF and ANW:

a. The value allowed for equipment shall be the book value or 50 percent of actual value given by a qualified equipment appraiser, whichever is greater. Equipment appraisals must be dated no earlier than six months prior to receipt of the application.

b. The value allowed for real estate used for business purposes (road, bridge, or public transportation construction) shall be:

~~(F) [The book value or the value given by a qualified real estate appraiser, real estate appraisals shall be dated no earlier than two years prior to receipt of the application is filed, less~~

~~(H) e]ncumbrances against same, such encumbrances will not also be deducted elsewhere.~~

c. No value will be allowed for investments, including long-term held-to-maturity securities, for real estate, or for any other property not used in road, bridge, or public transportation construction, ~~and no~~ No allowance shall be

given for homesteads or personal property. Encumbrances against these assets shall be eliminated entirely.

d. through f. No change.

g. Past due receivables, ~~or~~ unexplained receivables, unsecured loans and notes receivable, and the interest for these receivables notes shall be eliminated entirely.

h. through k. No change.

6. No change.

(b) Bonding Capacity.

1. through 2. No change.

3. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., use of a surety commitment letter to increase an applicant's MCR will only be considered if at the time of application the CRF is at least 1.00, as defined in subparagraph 14-22.003(2)(a)3., F.A.C., and the applicant has an Ability Score of 80 or higher. No event(s) during the qualification period, subsequent to the ending date of the ~~audited~~ financial statements used for qualification, will be considered in determining an applicant's CRF. However, the Department will evaluate the general qualification factors listed in subsection 14-22.0041(1) 14-22.004(1), F.A.C., in consideration of an increase to the applicant's MCR through the use of a surety commitment letter.

(3) Classification of Work.

(a) No change.

(b) The major class of work are as follows:

1. through 39. No change.

40. Other ~~Specialty~~ Work Classes Requested.

(c) No change.

(d) For the Work Class of Debris Removal (Emergency), the contractor(s) shall complete the Application for Qualification and satisfy the criteria in Form 375-020-70, Rev. 3/10, incorporated herein by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-03123> accompanied by a Reviewed Financial Statement that meets the requirements of subparagraphs 14-22.003(2)(a)3. and 4., F.A.C., for Current Ratio Factor and Adjusted Net Worth. See Form 375-020-70.

Rulemaking Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(4), Amended 3-23-79, 11-10-82, 8-25-83, 1-9-84, 10-1-85, Formerly 14-22.03, Amended 12-20-89, 4-22-92, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, 5-15-06, 11-5-06, 10-10-10, _____.

14-22.0041 Procedure for Qualification and Issuance of Certificate of Qualification.

(1) No change.

(2) Certificate of Qualification. The Certificate of Qualification shall provide instructions for the applicant to access its state the applicant's Maximum Capacity Rating, the

class or classes of work approved for bidding, the applicant's name for submitting bids, and the expiration date ~~of the qualification.~~

(3) Revision of Certificate of Qualification.

~~(a)~~ The Department may issue a Revised Certificate of Qualification that expires no later than the expiration date of the previous valid Certificate of Qualification. A revised Certificate of Qualification shall be issued when at least one of the following occurs: changes in classes of work, Maximum Capacity Rating, company name, or correction of technical errors.

~~1. Written requests for additional classes of work shall be considered according to paragraph 14-22.0041(2)(a), F.A.C.~~

~~(a)2-~~ Written requests for raising the Maximum Capacity Rating must conform to paragraph 14-22.003(2)(b), F.A.C.

~~(b)3-~~ Revisions to the Ability Score of non-active contractors shall be made by the Department using the procedure described in sub-subparagraph 14-22.003(2)(a)1.a., F.A.C.

~~(c)4-~~ Name changes will be made if consistent with subsection 14-22.005(4), F.A.C.

~~(b) Denial or partial denial of written requests for Revised Certificates of Qualification shall be processed according to subsection 14-22.0041(2), F.A.C.~~

Rulemaking Authority 334.044(2), 337.14(1) FS. Law Implemented 337.14, 337.164, 337.165, 337.167 FS. History--New 11-10-82, Amended 8-25-83, 10-1-85, Formerly 14-22.041, Amended 12-20-89, 1-4-94, 7-1-95, 6-27-04, 10-10-10,_____.

14-22.0042 Notification of ~~Conviction of Contract Crime or Civil Enforcement.~~

A contractor who is currently qualified, or seeking to be qualified, shall notify the Contracts Administration Office in writing within 30 days of the filing of a criminal Information or Indictment or the conviction of a contract crime, or any civil enforcement or settlement, applicable to the contractor, or any affiliates, officers, directors, executives, shareholders active in management, employees or agents of the contractor.

Rulemaking Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.164, 337.165(5), (6) FS. History--New 8-25-83, Amended 10-1-85, Formerly 14-22.042, Amended 12-20-89, 1-4-94, 5-15-06, 10-10-10,_____.

14-22.005 Period of Validity of Qualification.

(1) The applicant's period of qualification shall be 18 months from the applicant's fiscal year ending date ~~of the audited annual financial statements~~ included in the application. For good cause, the Department shall approve a period of qualification less than 18 months. Good cause shall mean as set forth in Rule 14-22.012, F.A.C. The Certificate of Qualification shall expire on the expiration date of the

certificate, regardless of whether an administrative hearing has been requested concerning the Department's action on the application. Submission of an application shall not affect the expiration of the Certificate of Qualification. Issuance of a new Certificate of Qualification will determine the new Ability Factor and Maximum Capacity Rating that is effective on the date of issuance and supersedes the current Certificate of Qualification.

(2) through (8) No change.

Rulemaking Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14, 337.164 FS. History--Formerly Chapter 14-8, Amended 7-1-67,8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(7), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.05, Amended 12-20-89, 1-4-94, 6-27-04, 5-15-06, 10-10-10,_____.

14-22.006 Current Capacity Rating.

(1) The Certificate of Qualification shall establish an applicant's Maximum Capacity Rating, which will be reduced by the total value of their current uncompleted work, regardless of its location and with whom it may be contracted, to determine the bidding capacity at any particular time. Current Capacity is the applicant's bidding capacity. Current Capacity shall be amended immediately upon ~~upon~~ issuance of a new Certificate of Qualification, regardless of whether the existing Certificate of Qualification has expired.

(2) In determining the Current Capacity of a prospective bidder, the deduction for uncompleted work shall include work subcontracted from others. The bidder will be given credit for work sublet to others; provided, for contracts with the Department, the request for authorization to sublet the work has been approved in writing. ~~The Department, in determining the bidder's eligibility to be issued a bid proposal, will decrease a bidder's uncompleted work by deducting ten percent per month from the "Status of Contracts on Hand" report in the Certification of Current Capacity form submitted with the bidder's most recent bid, or the uncompleted work listed in the bidder's Application for Qualification, whichever is most current and will increase the Current Capacity accordingly.~~

(3) All prequalified contractors ~~bidders~~ must certify their total dollar amount of work underway monthly and submit Form 375-020-39, Rev. 11/07, Certification of Current Capacity, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-03120>, with the Status of Contracts On Hand Template or a spreadsheet in a similar and accepted format ~~prior to submitting a bid.~~ This information must reflect an "as of date" no older than 30 days prior to the certification date. The certification ~~This formation~~ must be submitted within thirty ~~(30) days of submitting a bid or at least once during the month~~

~~a bid is due~~ via the “Work Underway” link in the Contractor Pre-Qualification System. This certification is independent of the Status of Contracts On Hand submitted with the annual application for qualification. Failure to submit the Certification of Work Underway shall result in the contractor bidder being prohibited from receiving bidding documents, submitting bids, or receiving contract awards until the certification is submitted. If a Form 375-020-39 is submitted, and the contractor is awarded a contract during that month that exceeds 25% of the total dollar amount of work underway, a revised Form 375-020-39 must be submitted prior to submitting another bid during that month.

(4) In determining a bidder’s Current Capacity, any projects in a prior letting pending award by the Department to such bidder shall also be debited against the bidder’s Current Capacity, unless the award is to be delayed for an indefinite period of time. Further, no credit shall be given for proposed subcontracting of any work included in such proposal pending award.

Rulemaking Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14, 337.164 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 7-24-75, Formerly 14-22.01(8), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.06, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 7-2-95, 12-18-05, 5-15-06, 1-23-08, 10-10-10,_____.

14-22.007 Joint Ventures.

(1) Two or more qualified bidders may bid jointly provided each party has requested the proposal document be issued to the joint venture; the combined joint venture meets the requirements of subsection 14-22.008(1), F.A.C., and the combined Current Capacity of the parties to the joint venture equals or exceeds the budget estimate of the project. The parties to a joint venture shall submit a statement in the name of the joint venture signed by each party, indicating the percentage of proposed contract work to be debited against each one’s Current Capacity. The total of these percentages must equal one hundred percent. No party in the joint venture may exceed its Current Capacity by virtue of the percentage of work to be debited against its available capacity, as expressed on the signed statement and using the budget estimate as the comparison figure. To comply with this section, the parties to a joint venture shall submit Form 375-020-18, Rev. 09/13 03/09, Declaration of Joint Venture and Power of Attorney for Bidding on Specified Project(s), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-03121>, and receive approval prior to the due date of the letter of interest, the request for proposal, or issuance of the proposal, whichever is due or occurs first.

(2) If the joint venture parties are affiliated in any way as to ownership, officers, or key employees, they may indicate

the desired apportionment of the capacity debit, ~~however, the Department reserves the right to change such apportionment as justified by the circumstances.~~

(3) through (4) No change.

Rulemaking Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14, 337.164 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(9), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.07, Amended 12-20-89, 1-4-94, 7-1-95, 10-10-10,_____.

14-22.008 Eligibility for Obtaining Proposal Documents.

(1) No change.

~~(2) A If the Department’s budget estimate for a specific project has a majority percentage of specialty classes of work, as identified in paragraph 14 22.003(3)(c), F.A.C., then a contractor must be qualified in 50 percent or more of the Department’s budget estimate for the total classes of all work in the specific project.~~

(3) through (6) No change.

Rulemaking Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14 FS. History—Formerly Chapter 14-8, Amended 7-1-68, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.08, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 5-15-06, 10-10-10,_____.

14-22.012 Suspension, Revocation, or Denial of Qualification.

(1) As provided in Section 337.16(2), F.S., the Department, for good cause, may deny, suspend, or revoke a contractor’s Certificate of Qualification. A suspension, revocation, or denial for good cause pursuant to this rule shall prohibit the contractor from bidding on any Department construction contract for which qualification is required by Section 337.14, F.S., shall constitute a determination of non-responsibility to bid on any other Department construction or maintenance contract, and shall prohibit the contractor from acting as a material supplier or subcontractor on any Department contract or project during the period of suspension, revocation, or denial. Good cause shall include the following:

(a) through (d) No change.

(e) The contractor’s qualification to bid is suspended, revoked, or denied by any other public or semi-public entity, or the contractor has been the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity agency.

(f) through (j) No change.

(k) An affiliate of the contractor has previously been determined by the Department to be non-responsible non-responsible, and the specified period of suspension, revocation, denial, or non-responsibility remains in effect.

(1) through (m) No change.

(2) through (4) No change.

(5) The revocation, denial, or suspension of a contractor’s Certificate of Qualification under this Section shall be for a specific period of time based on the seriousness of the deficiency.

(2) Examples of factors affecting the seriousness of a deficiency are:

(a) Impacts on project schedule, cost, or quality of work,

(b) Unsafe conditions allowed to exist,

(c) Complaints from the public,

(d) Delay or interference with the bidding process,

(e) The potential for repetition,

(f) Integrity of the public contracting process,

(g) Effect on the health, safety, and welfare of the public.

Rulemaking Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11, 337.14, 337.16, 337.165, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.12, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 2-16-99, 7-8-01, 6-27-04, 1-23-08, 10-10-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Sadler, Director, Office of Construction

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 18, 2013

DEPARTMENT OF TRANSPORTATION

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

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

SUMMARY: These amendments allow for competitive bidding by design-build joint ventures, eliminate an unused optional provision for advertising of projects outside of the Department’s website, provide for all interested and responsive firms to be considered on the short list for design-build projects, and provide for stipend compensation to non-selected firms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

ADMINISTRATION OF COMBINED DESIGN AND CONSTRUCTION CONTRACTS (DESIGN-BUILD)

14-91.002 Definitions.

For purposes of this rule chapter the following definitions apply:

(1) “Adjusted Score Design-Build” means the contract award is determined by dividing the price proposal by the technical proposal score.

(2) “Bid Proposal” means a sealed technical proposal and a separately sealed price proposal.

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

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

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

~~(6)(3) “Project” means the work to be designed and constructed as described in the public advertisement announcement.~~

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

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

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

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

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

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

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

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

14-91.004 Prequalification Requirements.

~~Design-Build Firms shall satisfy the technical qualification requirements as required by Rule Chapter 14-75, F.A.C., and all qualification requirements of Rule Chapter 14-22, F.A.C., based on the applicable category of the specific project prior to the closing date for submittal of letters of interest.~~

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

14-91.005 Public Announcement Procedures.

Design-Build projects will be advertised on the Department’s website at <http://www.dot.state.fl.us>, except when the Project is necessitated by a declaration of emergency. A general description of the Project and the process for submitting an expanded letter of interest will be included in the public advertisement.

~~Except in emergency situations where a proper declaration of emergency has been executed, the Department shall publish an announcement on the Internet web site at <http://www.dot.state.fl.us>, setting forth a general description of the project requiring design build services and defining the process for interested firms to submit a letter of interest. The announcement will state where the letters of interest are to be sent. Additionally, the Department may utilize other forms of communication, such as newspapers or magazines, mailouts, or television or radio, to announce the Project when:~~

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

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

14-91.007 Selection and Award Process.

(1) Expanded Letters of Interest Requirements. Firms interested in submitting ~~desiring to submit~~ bid proposals on a ~~D~~esign-~~B~~uild Project must submit an expanded a letter of interest setting forth the qualifications of the members of the Firm and providing any other information required by the public advertisement ~~announcement~~ of the ~~P~~roject.

(2) Firms must satisfy the technical qualification requirements of Rule Chapter 14-75, F.A.C., and all qualification requirements of Rule Chapter 14-22, F.A.C., based on the applicable categories of the Project as required by the public advertisement of the Project.

(3) Design-Build Joint Venture. A contractor qualified to bid on Department projects in accordance with Chapter 14-22, F.A.C., or group of qualified bidders, may submit a bid proposal as a Design-Build Joint Venture (DBJV) if the follow criteria are met. A DBJV is created when a qualified bidder, or group of qualified bidders, and another entity enter into an agreement prior to bidding on design-build projects. A joint venture formed under Rule 14-22.007, F.A.C., will qualify as a DBJV for purposes of this Chapter.

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

(b) DBJV Capacity. The parties to the DBJV shall submit a statement in the name of the DBJV signed by each party,

indicating that 100% of the proposed contract work can be debited against the qualified bidder(s) current bid capacity as established in Rule 14-22.006, F.A.C. If more than one qualified bidder is a party to the DBJV, the parties to the DBJV must indicate the percentage of the proposed contract work is to be debited against each qualified bidders current capacity. No party in the DBJV may exceed its current capacity by virtue of the percentage of proposed contract work debited against its available capacity, as expressed in the signed statement and using the budget estimate as the comparison figure.

1. If the joint venture parties are affiliated in any way as to ownership, officers, or key employees, they may indicate the desired apportionment of the capacity debit.

2. The provisions of this section regarding the apportionment of the debit among the parties shall in no way divide the responsibility for the joint venture bid or contract among the parties.

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

(4)(2) Short Listing Criteria and Procedures. On Adjusted Score Design-Build Pprojects, the Department will determine the short list of Firms will be evaluated based on an evaluation of the information provided in the expanded by the letters of interest and in accordance with Rule Chapter 14-75, F.A.C. Firms will be notified of the Department's evaluation and have an opportunity to submit a written affirmation of their intent to proceed to the technical proposal phase of the procurement. The short list will be comprised of Firms that have provided written affirmation of their intent to proceed to the technical proposal phase of the procurement. For this purpose, all references to "consultant" in Rule Chapter 14-75, F.A.C., shall be deemed to be a reference to "Firm" under this rule chapter. Low Bid Design-Build Projects will not require short listing.

(5)(3) Scope of Services Requirements. The Department shall develop a scope of services to provide Firms with which furnishes sufficient information to upon which Firms may prepare bid proposals and will detail the criteria for which sets forth the technical proposal evaluation.

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

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

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

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

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

(9)(7) Value of Time Factor. When time is to be used as an evaluation criteria, the Department will include an adjustment for the Vvalue of Ttime Factor in either type of Ddesign-Bbuild process referenced in subsection 14-91.007(8)(6), F.A.C. This adjustment will be based on the Firm's proposed number of days to complete the Project, multiplied by a value per day established by the Department in the request for proposals, i.e., number of days multiplied by the dollar value per day equals the price proposal adjustment (increase). The Value of Time This Ffactor will be used for selection purposes only and will shall not affect the Department's liquidated damages schedule or affect the incentive/disincentive provisions of the contract.

(10)(8) Proposal Submission Limitation. The contractor or design professional cannot team with others other partners to submit more than one proposal bid per Contract project.

~~(11)(9)~~ Stipend Compensation. When included in the public advertisement ~~contract solicitation~~, the Department will ~~shall~~ pay a lump sum stipend to two or more eligible shortlisted ~~F~~ firms that were who are not selected for the Project, but have submitted responsive ~~design-build~~ proposals. The stipend compensation amount and the conditions for stipend eligibility will be stated in the public advertisement. The Department reserves the right to use any of the concepts, ideas, technologies, techniques, methods, processes, and information ~~that are~~ contained within the proposals of any Firm receiving stipend compensation for that proposal without any further compensation.

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

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

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

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

(c) A stipend is not intended to compensate the ~~design-build~~ ~~F~~ firms for the total cost of preparing the proposal. Rulemaking Authority 334.044(2), 337.11(7)(b), ~~337.11(8)~~ FS. Law Implemented 337.025, 337.11(7), ~~337.11(8)~~ FS. History–New 3-13-

88, Amended 6-13-90, 2-20-96, 9-3-96, 10-18-00, 5-3-09, 2-17-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Sadler, Director, Office of Construction
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 7, 2013

ADMINISTRATION COMMISSION

RULE NO.: 28-22.402
 RULE TITLE: Amendment to City of Apalachicola Land Development Regulations Regarding Flood Plain Management

PURPOSE AND EFFECT: The purpose and effect of the rule is to make City of Apalachicola Ordinance 2013-02 effective.
 SUMMARY: Section 380.0555(9), F.S., provides that any land development regulation in the Apalachicola Bay Area may be amended by a local government, but the amendment becomes effective only upon the approval of the Commission. The City adopted Ordinance 2013-02 incorporating the latest version of Florida's model 2013 Floodplain Management Ordinance and allowing the City to continue participation in the National Flood Insurance Program. The Commission approved Ordinance 2013-02 on 11/19/13 and proposes adoption of the rule in order to make the Ordinance effective.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department of Economic Opportunity (DEO), as the state land planning agency, reviewed the Ordinance and developed the proposed rule language. The DEO determined that the proposed rule merely adopts regulations voluntarily adopted by the City; that the cost for implementation will be approximately \$25,000; and that legislative ratification is not required. The Commission approved the DEO's determination. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 380.0555(9) FS.
 LAW IMPLEMENTED: 380.0555(7), (9) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Executive Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, telephone: (850)717-9513

THE FULL TEXT OF THE PROPOSED RULE IS:

28-22.402 Amendment to City of Apalachicola Land Development Regulations Regarding Flood Plain Management.

The Administration Commission approves Ordinance No. 2013-02 adopted by the City of Apalachicola on August 6, 2013, which Ordinance is incorporated hereby by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03415> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-03416> or by contacting the Clerk of the Administration Commission, Office of the Governor, Room 1801, The Capitol, Tallahassee, FL 32399-0001, telephone (850)717-9513. The Ordinance repeals Ordinance No. 2006-03 regarding flood plain management, adopts new, updated flood plain management regulations and new flood hazard maps, designates a floodplain administrator, adopts procedures and criteria for development in flood hazard areas, and adopts local administrative amendments to the Florida Building Code.

Rulemaking Authority 380.0555(9) FS. Law Implemented 380.0555(7), (9) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2013

ADMINISTRATION COMMISSION

RULE NO.: 28-27.008
 RULE TITLE: General Minimum Standards
 PURPOSE AND EFFECT: The purpose and effect will be to delete obsolete provisions from existing rule text.
 SUMMARY: Subsection 28-27.008(4), F.A.C., has been determined to be obsolete in that the provision has been replaced by updated comprehensive plan provisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Commission has determined that deletion of the identified text is not expected to require legislative ratification based on the fact that the language is obsolete and has been replaced by updated comprehensive plan provisions.

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

RULEMAKING AUTHORITY: 380.05 FS.
 LAW IMPLEMENTED: 380.05(8) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, FL 32399-0001, Telephone: (850)717-9513

THE FULL TEXT OF THE PROPOSED RULE IS:

28-27.008 General Minimum Standards.

All development within the Green Swamp Area of Critical State Concern shall meet the following standards and criteria:

(1) through (3) No change.

~~(4)(a) Except as provided for in paragraph (b) of this standard, site alteration shall be limited in accordance with the natural drainage capabilities of the major soil associations. The amount of site alteration shall be limited to the following percentages of the area of each association within any given total site:~~

| | |
|--------------------------------------|----------------|
| Upland association | 60% |
| Pine Flatwood association | 25% |
| Wetland association | 40% |

~~The installation of non permeable surfaces shall be limited to 50% of any altered site. However, a minimum of 2,500 square~~

~~feet may be covered with non permeable surfaces on any permitted site.~~

~~(b) For the public and quasi-public uses listed below the site alteration shall be limited to 60% of the total site size provided the site is located on an upland or a pine flatwood soil association. Except for recreational purposes, these uses shall be excluded from the wetlands:~~

- ~~1. Public education facilities;~~
- ~~2. Governmental structures which provide tax supported services to the residents of Polk County;~~
- ~~3. Public utilities or municipal or other governmental agencies' generation systems for gas, electricity, or steam.~~

~~(c) It shall be the responsibility of the developer to provide the information which will allow satisfactory determination of whether such lands lie within the uplands associations, pine flatwood associations, wetland associations, or any combination thereof. This determination shall be made in accordance with paragraph 28-27.009(2)(b), Florida Administrative Code.~~

(5) through (16) renumbered (4) through (15) No change.
 Rulemaking Authority 380.05 FS. Law Implemented 380.05(8) FS.
 History—New 7-20-75, Formerly 22F-6.08, 27F-6.08, 27F-6.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Administration Commission
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2013

ADMINISTRATION COMMISSION

RULE NO.: 28-28.008
 RULE TITLE: Performance Criteria

PURPOSE AND EFFECT: The purpose and effect will be to delete obsolete provisions from existing rule text.

SUMMARY: Paragraphs 28-28.008(7)(a)-(c), F.A.C., has been determined to be obsolete in that the provision has been replaced by updated locally adopted comprehensive plan provisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Commission has determined that deletion of the identified text is not expected to require legislative ratification based on the fact that the language is obsolete and has been replaced by updated comprehensive plan provisions.

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

RULEMAKING AUTHORITY: 380.05 FS.

LAW IMPLEMENTED: 380.05(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, FL 32399-0001, Telephone: (850)717-9513

THE FULL TEXT OF THE PROPOSED RULE IS:

28-28.008 Performance Criteria.

- (1) through (6) No change.
- (7) Site Alteration.

~~(a) Except as provided for in paragraph (b) of this standard, site alteration shall be limited in accordance with the natural drainage capabilities of the major soil associations. The amount of site alteration shall be limited to the following percentages of the area of each association within any given total site:~~

| | |
|--------------------------------------|----------------|
| Upland association | 60% |
| Pine flatwood association | 25% |
| Wetland association | 10% |

~~The installation of nonpermeable surfaces shall be limited to 50% of any altered site. However, a minimum of 2,500 square feet may be covered with nonpermeable surfaces on any permitted site.~~

~~(b) For the public and quasi-public uses listed below, site alteration shall be limited to 60% of the total site size provided the site is located on an upland or pine flatwood soil association. Except for recreational purposes, these uses shall be excluded from the wetlands:~~

- ~~1. Public education facilities;~~
- ~~2. Governmental structures which provide tax supported services;~~

3. ~~Public utilities or municipal or other governmental agencies' generation systems for gas, electricity, steam or water.~~

~~(e) It shall be the responsibility of the developer to provide all required information which will allow satisfactory determination of whether such lands lie within the uplands associations, or any combination thereof. This determination shall be made in accordance with subparagraph 28-28.007(3)(b)1., F.A.C., of this Code.~~

- ~~(d) through (e) renumbered (a) through (b) No change.~~
- ~~(8) through (10) No change.~~

Rulemaking Authority 380.05 FS. Law Implemented 380.05(8) FS. History—New 7-20-75, Formerly 22F-7.08, 27F-7.08, 27F-7.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Administration Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2013

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
12A-1.059 Fuels

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 205, October 21, 2013 issue of the Florida Administrative Register.

A Notice of Change to paragraphs (a) and (b) of subsection (6) of Rule 12A-1.059, F.A.C., published in the November 4, 2013 (Vol. 39, No. 215, p. 5481), issue of the Florida Administrative Register.

In response to written public comment, subsection (6) of Rule 12A-1.059, F.A.C., has been changed so that, when adopted, that subsection will read:

~~(6)(5) Natural gas fuel as defined in Section 206.9951(2), F.S., natural gas, compressed natural gas, and liquefied natural gas are exempt from sales tax when placed into the fuel supply system of a motor vehicle. The sale of alternative fuel, as defined in Section 206.86(4), F.S., is subject to sales tax. Alternative fuels include liquefied petroleum gas, compressed natural gas, natural gasoline, butane gas, and propane gas. See~~

~~Rule 12A-1.087, F.A.C., for alternative fuel used for agricultural purposes.~~

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
12A-1.0641 Sales of Vessels Used in Interstate or Foreign Commerce or for Commercial Fishing Purposes

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 205, October 21, 2013 issue of the Florida Administrative Register.

In response to written public comment, paragraph (a) of subsection (6) of Rule 12A-1.0641, F.A.C., has been changed so that, when adopted, that paragraph will read:

(6) **DYED DIESEL FUEL USED IN INTERSTATE OR FOREIGN COMMERCE OR FOR COMMERCIAL FISHING PURPOSES.**

(a)1. The sale of dyed diesel fuel placed into the storage tank of a vessel or equipment used exclusively for commercial fishing and aquacultural purposes is exempt. "Commercial fishing and aquacultural purposes" means fuel used in the operation of boats, vessels, or equipment used exclusively for the taking of food fish, freshwater fish, marine fish, saltwater fish, and shellfish as defined in Section 379.101, F.S., from any Florida waters for resale to the public.

2. This exemption does not include fuel used for sport or pleasure fishing or fuel used in any vehicle or equipment driven or operated upon the highways of Florida.

3. To purchase dyed diesel fuel exempt from sales tax at the time of purchase, the purchaser is required to provide an exemption certificate to the selling dealer declaring that the fuel will be used exclusively in equipment or a vessel for commercial fishing or aquacultural purposes. The following is a suggested format of a certificate:

EXEMPTION CERTIFICATE
DYED DIESEL FUEL USED EXCLUSIVELY FOR
COMMERCIAL FISHING OR AQUACULTURAL
PURPOSES

I certify that dyed diesel fuel placed in the storage tank of a vessel or equipment on or after _____ (Date) from _____ (Selling Vendor's Name) will be used exclusively in equipment or a vessel for commercial fishing or aquacultural purposes.

I understand that if I use the purchased dyed diesel fuel for any nonexempt purpose, I must pay tax on the purchase price of the dyed diesel fuel directly to the Florida Department of Revenue.

I understand that if I fraudulently issue this Certificate to evade the payment of Florida sales tax, I will be liable for payment of the tax, plus a penalty of 200% of the tax, and may be subject to conviction of a third degree felony.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and the facts stated herein are true.

SIGNATURE OF PURCHASER OR AUTHORIZED AGENT

TITLE OR DESIGNATION

DATE

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:
12B-8.003 Tax Statement; Overpayments
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12B-8.003, F.A.C., published in Vol. 39, No. 205, pp. 5270-5271, October 21, 2013, issue of the Florida Administrative Register that incorporate, by reference, updates to Form DR-908, Insurance Premium Taxes and Fees Return for Calendar Year 2013. The proposed changes to Schedule X (State Fire Marshal Regulatory Assessment Tax/Surcharge), page 6, Form DR-908, have been withdrawn for further review.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Mold-Related Services

RULE NOS.: RULE TITLES:
61-31.501 Department Approval of Education
 Providers
61-31.505 Approval of Courses

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the Notice of Proposed Rule in Volume 39, Number 99, May 21, 2013, issue of the Florida Administrative Register and the Notice of Change in Volume 39, Number 200, October 14, 2013, issue of the Florida Administrative Register:

Rule 61-31.501 is titled Continuing Education Provider Requirements.

Rule 61-31.505 is titled Approval of Continuing Education Courses.

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.018 International Medical Graduates; Qualification Requirements

NOTICE IS HEREBY GIVEN that on November 20, 2013, the Board of Medicine, received a petition for waiver filed by Christopher Riccard, M.D., from Rule 64B8-4.018, F.A.C., with regard to core clerkships. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address or telephone: (850)245-4131.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009 Applications

NOTICE IS HEREBY GIVEN that on November 20, 2013, the Board of Medicine received a petition for waiver filed by Vasilios Diakonis, M.D., from Rules 64B8-1.007 and 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA profile for the medical licensure application. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address or telephone: (850)245-4131.

DEPARTMENT OF HEALTH

Board of Medicine

NOTICE IS HEREBY GIVEN that on November 21, 2013, the Board of Medicine, received a petition for waiver filed by Howard N. Rose, M.D., with regard to the requirement for continuing medical education. The Petitioner did not cite the Board's rule from which the waiver is requested. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address or telephone: (850)245-4131.

DEPARTMENT OF HEALTH
Board of Medicine

NOTICE IS HEREBY GIVEN that on November 21, 2013, the Board of Medicine, received a petition for waiver filed by Daniel Charles Stambor, M.D., with regard to the requirement for payment of the delinquent license fee. The Petitioner did not cite the Board's rule from which the waiver is requested. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address or telephone: (850)245-4131.

Section VI
Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services
The Pesticide Registration Evaluation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 5, 2013, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399-1650, (850)617-7940.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: the Pesticide Registration Section, (850)617-7940 or from the PREC website at <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)617-7940.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council for the Blind's Transportation Ad Hoc Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 3, 2013, 10:00 a.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss transportation in relation to consumers who are blind and visually impaired and how the ability to use and secure transportation leads to successful employment opportunities. A copy of the agenda may be obtained by contacting: No agenda.

For more information, you may contact: Phyllis Dill at (850)245-0392 or phyllis.dill@dbs.fldoe.org if you are interested and need the conference number.

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning
The Early Learning Advisory Council Policy Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 4, 2013, 11:00 a.m.

PLACE: Office of Early Learning, Telephone conference call-in number: 1(888)670-3525; participant code 339-707-2779

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Review and finalize policy recommendations to the Early Learning Advisory Council.

A copy of the agenda may be obtained by contacting: Harriet.Moore@OEL.MyFLorida.com.

REGIONAL PLANNING COUNCILS

Withlacoochee Regional Planning Council
The Withlacoochee Regional Planning Council announces public meetings to which all persons are invited.

DATES AND TIMES: Thursday, December 12, 2013, 5:30 p.m. – Nominating Committee Meeting; 6:00 p.m. – Open House; 7:00 p.m. – Annual Meeting

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council including election of Council Officers for 2014.

A copy of the agenda may be obtained by contacting: The Executive Director.

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

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

The Southwest Florida Regional Planning Council/LEPC announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 2013, 9:30 a.m. – 11:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of Region IX – Local Emergency Planning Committee (LEPC).

A copy of the agenda may be obtained by contacting: John Gibbons at (239)338-2550, ext. 229 or jgibbons@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The SWFRPC's offices at (239)338-2550. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may visit the SWFRPC's website at <http://www.swfrpc.org/lepc.html>.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

The Suwannee River Water Management District announces a hearing to which all persons are invited.

DATE AND TIME: December 10, 2013, 9:00 a.m.

PLACE: District headquarters located at 9225 County Road, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Previous Notice number: 13842208 has been cancelled because of a correction to the acreage and ownership of the potential acquisition.

The corrected public hearing notice is: The Suwannee River Water Management District Governing Board will be holding a public hearing to discuss the potential acquisition of 340 acres +/- in Bradford County, Florida, owned by Branford Timberlands, LLC.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Business Resource Specialist at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by

contacting: Pennie Flickinger, Business Resource Specialist at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Charlie Houder, Director, Division of Land Resources at (386)362-1001.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Commission for the Transportation Disadvantaged announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2013, 9:00 a.m.

PLACE: Polk County Board of County Commission Chambers, 330 West Church Street, Bartow, FL 33830; Dial-in Number: 1(888)670-3525, Conference Code: 7993168355

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

A copy of the agenda may be obtained by contacting: Vicki Scheffer, 605 Suwannee St., MS 49, Tallahassee, FL 32399, (850)410-5700 or 1(800)983-2435.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Vicki Scheffer, 605 Suwannee St., MS 49, Tallahassee, FL 32399, (850)410-5700 or 1(800)983-2435. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL UTILITY AUTHORITIES

Peace River/Manasota Regional Water Supply Authority

The Peace River Manasota Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: December 4, 2013, 9:30 a.m.

PLACE: Manatee County Administrative Center, Commission Chambers, 1112 Manatee Avenue West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority and Public Hearing to amend the Budget for FY 2014.

A copy of the agenda may be obtained by contacting Linda Stewart at (941)316-1776 or email: lstewart@regionalwater.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: (941)316-1776. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: (941)316-1776.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: December 13, 2013, 10:00 a.m.

PLACE: 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Health Information Exchange Legal Work Group will meet to review legal policies for health information exchange including provisions of agreements for health information exchange.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop 16, Tallahassee, FL 32308-5403. The agenda will be posted at: <http://www.fhin.net/content/committeesAndCouncils/#ui-tabs-3> seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Carolyn H. Turner, (850)412-3782. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Dana Watson, (850)412-3784.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

The Florida Commission on Human Relations announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, December 18, 2013, 10:00 a.m., ET.

PLACE: Call 1(888)670-3525 and when prompted, enter passcode 1760507820 followed by the # key

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The purpose of the meeting is for the Commission to vote on the disposition of cases pending before it for decision.

A copy of the agenda may be obtained by contacting Jim Mallue at (727)570-5151, extension 13 or Jim.Mallue@fchr.myflorida.com.

ACCESS POINT: The Florida Commission on Human Relations office at 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, will serve as an access point for this meeting. Interested persons wishing to attend this meeting may also do so by appearing in person at this designated access point, at which location telephonic access to the meeting will be provided.

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

For more information, you may contact Jim Mallue at (727)570-5151, ext. 13 or Jim.Mallue@fchr.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-6.002 Commission Approval and Accreditation of Advanced Building Code Training Courses

The Florida Building Commission announces a workshop to which all persons are invited.

DATE AND TIME: December 13, 2013, 8:30 a.m., or as soon as thereafter as the matter comes before the Florida Building Commission in accordance with its agenda.

PLACE: TradeWinds Island Grand, 5500 Gulf Boulevard, St. Pete Beach, Florida 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Commission will consider changes to the accreditation of advance building code training courses. The commission will particularly review and clarify as needed the application deadline for accredited courses, when course providers can select the options “no change” or “one change” when revising a previously approved accredited course, adding code edition to title of advance courses and accreditation of courses for future editions of the Florida Building Code upon approval for adoption by the Florida Building Commission.

A copy of the agenda may be obtained by contacting: Ila Jones, Administrator, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1822.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 7 days before the workshop/meeting by contacting: Barbara Bryant, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1838. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ila Jones, Administrator, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1822.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Florida Real Estate Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 17, 2013, 8:30 a.m., meeting will reconvene on Wednesday, December 18, 2013, 8:30 a.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – topics include, but are not limited to: general business; declaratory statement/variance waiver requests; budget discussions, escrow disbursement requests, recovery fund claims, education issues, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting Lori Crawford at lori.crawford@myfloridalicense.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.

DATE AND TIME: Monday, December 16, 2013, 2:30 p.m. or soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772, (407)481-5662. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Acupuncture

The Board of Acupuncture announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 13, 2013, 9:00 a.m., EST.

PLACE: Conference Call: Number: 1(888)670-3525; Participant Passcode: 6150683063

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

This meeting notice replaces notice ID 12530089.

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Paula Mask at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

The Board of Osteopathic Medicine announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 11, 2013, 1:00 p.m., EST

PLACE: Conference call number: 1(888)670-3525; participant passcode: 6558995979

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christy Robinson at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2013, 11:00 a.m. – 12:30 p.m., EST

PLACE: Human Services Building, 1000 West Tharpe Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Children and Families, Circuit 2 Alliance – Community Action Team to provide a forum for providers and the Community to identify needs and gaps in services in order to improve the lives of children and families in the Big Bend area which covers Franklin, Gadsden, Jefferson, Leon, Liberty and Wakulla Counties.

A copy of the agenda may be obtained by contacting: Jeanna Olson, Circuit 2 Community Development Administrator at (850)921-8269.

For more information, you may contact: Jeanna Olson, Circuit 2 Community Development Administrator at (850)921-8269.

ST. LUCIE TRANSPORTATION PLANNING ORGANIZATION (TPO)

The St. Lucie Transportation Planning Organization (TPO) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 11, 2013, 2:00 p.m.

PLACE: St. Lucie TPO, 466 SW Port St. Lucie Blvd., Suite 111, Port St. Lucie, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the St. Lucie Local Coordinating Board for the Transportation Disadvantaged (LCB).

A copy of the agenda may be obtained by contacting: Marceia Lathou, Transit Program Manager, St. Lucie TPO, (772)462-1671.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: St. Lucie Community Services Department, (772)462-1777. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Marceia Lathou, Transit Program Manager, St. Lucie TPO, (772)462-1671.

FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION

The Florida Birth-Related Neurological Injury Compensation Association announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 2013, 12:00 Noon

PLACE: Hampton Inn & Suites Orlando Airport at Gateway Village, 5460 Gateway Village Circle, Orlando, FL 32812, (407)857-2830

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Information.

A copy of the agenda may be obtained by contacting: Minnie Patrick at (850)488-8191 or mpatrick@nica.com.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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

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

C. G. vs. Agency for Persons with Disabilities; Case No.: 13-2522RU

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

NONE

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

Y. G. vs. Agency for Persons with Disabilities; Case No.: 13-2521RU; Voluntarily Dismissed

C. G. vs. Agency for Persons with Disabilities; Case No.: 13-2522RU; Voluntarily Dismissed

S. W. vs. Agency for Persons with Disabilities; Case No.: 13-2523RU; Voluntarily Dismissed

S. A. vs. Agency for Persons with Disabilities; Case No.: 13-2524RU; Voluntarily Dismissed

A. J. vs. Agency for Persons with Disabilities; Case No.: 13-2525RU; Voluntarily Dismissed

B. H. vs. Agency for Persons with Disabilities; Case No.: 13-2526RU; Voluntarily Dismissed

M. M. vs. Agency for Persons with Disabilities; Case No.: 13-2527RU; Voluntarily Dismissed

J. F. vs. Agency for Persons with Disabilities; Case No.: 13-2530RU; Voluntarily Dismissed

C. B. vs. Agency for Persons with Disabilities; Case No.: 13-2531RU; Voluntarily Dismissed

D. T. vs. Agency for Persons with Disabilities; Case No.: 13-2533RU; Voluntarily Dismissed

T. B. vs. Agency for Persons with Disabilities; Case No.: 13-2535RU; Voluntarily Dismissed

D. G. vs. Agency for Persons with Disabilities; Case No.: 13-2546RU; Voluntarily Dismissed

S. S. vs. Agency for Persons with Disabilities; Case No.: 13-2553RU; Voluntarily Dismissed

T. F. vs. Agency for Persons with Disabilities; Case No.: 13-2554RU; Voluntarily Dismissed

A. C. vs. Agency for Persons with Disabilities; Case No.: 13-2555RU; Voluntarily Dismissed

C. V. vs. Agency for Persons with Disabilities; Case No.: 13-2556RU; Voluntarily Dismissed

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

SARASOTA MEMORIAL HOSPITAL
 REQUEST FOR STATEMENTS OF QUALIFICATIONS for
 GENERAL CONTRACTING WORK

The Sarasota County Public Hospital Board of Sarasota, Sarasota Memorial Hospital, Sarasota County, Florida (“the Hospital”) is accepting statements of qualifications from General Contracting Firms. The scope of work may include pre-construction phase services such as cost estimating, value engineering, critical path method scheduling, constructability reviews and cost control, in addition to phased construction management services for the minimal level renovation of an existing building located at 1888 Hillview Street, Sarasota, FL 34239 to include approximately 30,000 square feet of Business Office space and potential exterior upgrades as required. Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida construction licensure and corporate registration certificates.

2. Completed AIA Document A305 Contractor’s Qualification Statement, or latest A.I.A. edition of same information.
3. Proof of general, automobile and workers’ compensation liability insurance coverage.
4. A separate statement as to whether the firm is a certified Minority Business Enterprise. If your firm claims MBE, WMBE status, a copy of your firm’s current, valid MBE, WMBE Office of Supplier Diversity certificate is required as part of your qualification statement submittal.
5. A list of at least five client references consisting of name, title, address, telephone number and project name(s) for each project specified.
6. Resumes of key personnel that would be used on this project and the County these personnel reside.
7. Past design experience of Business Office projects of similar scope and scale.
8. Construction building experience within the City of Sarasota, FL.
9. Location of the firm’s main office.

7. Only Thomas Perigo shall be contacted with regard to this Request. No other SMH staff, administrators, or board members shall be contacted. Failure to comply could result in immediate disqualification at the discretion of the Director of Architecture and Construction.
8. Interested persons should contact Thomas Perigo, (941)917-1804 with any project-related questions.
9. The selection committee will meet in a public meeting at Sarasota Memorial Hospital, Waldemere Auditorium, located at 1700 S. Tamiami Trail, Sarasota, FL 34239, level one, on Tuesday, January 21, 2014 from 8:30 a.m. – 11:30 a.m. to discuss and announce the top three ranked firms with whom the Hospital will subsequently engage in contract negotiations. All interested parties are invited to attend.

All interested firms are further informed as follows:

1. The Hospital reserves the right to reject any or all submittals at any time during this process.
2. The basis for selecting candidates includes, but is not limited to, the firm’s experience with local regulatory agency having jurisdiction, consideration of related project experience, qualifications of proposed team, ability to respond, depth of experienced personnel and project approach.
3. The Hospital reserves the right to request additional information beyond the data set forth above.
4. Any general contracting firm previously engaged in phasing, scheduling, or pricing on this project is excluded from participating in the selection of or providing general contracting work on this project.

Submissions shall be titled
Statement of Qualifications
for

GENERAL CONTRACTING WORK
The Sarasota Memorial Hospital
Corporate Offices on Hillview Street

5. Submittals shall not contain pricing information.
6. Submittals must be received by the Hospital no later than 3:30 p.m. Thursday, December 19, 2013. Submit statements to Thomas Perigo, Director of Architecture and Construction, 1515 S. Osprey Avenue, Building A, Sarasota, FL 34239. Submittals received after this deadline will remain unopened and available for pick up.

**SARASOTA MEMORIAL HOSPITAL
REQUEST FOR STATEMENTS OF QUALIFICATIONS for
ARCHITECTURAL
AND ENGINEERING SERVICES**

The Sarasota County Public Hospital Board of Sarasota, Sarasota Memorial Hospital, Sarasota County, Florida (“the Hospital”) is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants’ Competitive Negotiation Act, Section 287.055; Florida Statutes. The scope of work may include programming, schematic design, design development, construction documents, and construction administration for all architectural, interior design, civil, site work, mechanical, electrical, plumbing, fire protection and structural design work for the minimal level renovation of an existing building located at 1888 Hillview Street, Sarasota, FL 34239 to include approximately 30,000 square feet of Business Office space and potential exterior upgrades as required. Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. All members of the firms’ proposed design team to provide current Florida State licensure and corporate registration certificates.
2. Proof of Professional Liability Insurability.
3. A separate statement as to whether the firm is a certified Minority Business Enterprise. If your firm claims MBE, WMBE status, a copy of your firm’s current, valid MBE, WMBE certificate from the Office of Supplier Diversity is required as part of the submission package.
4. Proposed individual design team members with resumes.

5. A list of at least five client references consisting of name, title, address, telephone number and project name(s) for each project specified.
6. Past design experience on business office projects of similar scale.
7. Design and permitting experience within the City of Sarasota, FL and other applicable permitting agencies.
8. Location of the design firm’s main office.

8. The selection committee will meet in a public meeting at Sarasota Memorial Hospital, Waldemere Auditorium, located at 1700 S. Tamiami Trail, Sarasota, FL 34239, level one, on Tuesday, January 21, 2014 from 12:30 p.m. – 3:30 p.m. to discuss and announce the top three ranked firms with whom the Hospital will subsequently engage in contract negotiations. All interested parties are invited to attend.

All interested firms are further informed as follows:

1. The Hospital reserves the right to reject any or all submittals at any time during this process.
2. The basis for selecting candidates includes, but is not limited to, the firm’s experience with local regulatory agency having jurisdiction, consideration of related project experience, qualifications of proposed team, design criteria experience as stated above, ability to respond, depth of proposed team, and project approach.
3. The Hospital reserves the right to request additional information beyond the data set forth above.
4. Questions regarding submissions shall be directed only to Thomas Perigo, (941)917-1804.

Submissions shall be titled
Statement of Qualifications
for

ARCHITECTURAL AND ENGINEERING SERVICES

The Sarasota Memorial Hospital
Corporate Offices on Hillview Street

5. Submittals must be received by the Hospital no later than 3:30 p.m. Thursday, December 19, 2013. Submit statements to Thomas Perigo, Director of Architecture and Construction, 1515 S. Osprey Avenue, Building A, Sarasota, FL 34239. Submittals received after this deadline will remain unopened and available for pick up.
6. Only Thomas Perigo shall be contacted with regard to this Request. No other SMH staff, administrators, or board members shall be contacted. Failure to comply could result in immediate disqualification at the discretion of the Director of Architecture and Construction.
7. Interested persons should contact Thomas Perigo, (941)917-1804 with any project-related questions.

**Section XII
Miscellaneous**

DEPARTMENT OF ENVIRONMENTAL PROTECTION
State Revolving Fund Program

NOTICE OF AVAILABILITY
FLORIDA CATEGORICAL EXCLUSION NOTICE

City of Pompano Beach

The Florida Department of Environmental Protection (DEP) has determined that the City of Pompano Beach’s project involving construction of stormwater conveyance and treatment facilities will not adversely affect the environment. The total estimated project cost is \$25,000,000. The project may qualify for a Clean Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bob Ballard, SRF Program, Department of Environmental Protection, 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-2400, calling (850)245-8401 or emailing to bob.ballard@dep.state.fl.us.

DEPARTMENT OF HEALTH

Board of Respiratory Care

Notice of Emergency Action

On November 21, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Jennifer Michele Cook Reardon, RRT, RT#: 6342. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes, (2011).

The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Respiratory Care

Notice of Emergency Action

On November 21, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Roy M. Antigua, RCP, TUC#: 6. This Emergency Restriction Order was predicated upon the State Surgeon

On November 21, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Roy M. Antigua, RCP, TUC#: 6. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FLORIDA HOUSING FINANCE CORPORATION

Notice of Funding Availability

FLORIDA HOUSING FINANCE CORPORATION
HOME INVESTMENT PARTNERSHIPS PROGRAM
(HOME)
NOTICE OF FUNDING AVAILABILITY (NOFA)

2013 HOME RENTAL REQUEST FOR APPLICATIONS
The Florida Housing Finance Corporation (“Florida Housing”) announces a funding cycle for the HOME Rental Program’s allocation of HOME Investment Partnerships Program from the U.S. Department of Housing and Urban Development (HUD). Based on current estimates, Florida Housing estimates that approximately \$15,000,000 in HOME funding will be available to eligible rental developments that meet application funding criteria. Funding will be awarded in accordance with the provisions of the applicable competitive solicitation.

All Applications submitted in response to the competitive solicitation must be submitted to Florida Housing Finance Corporation in accordance with the requirements of the applicable Request for Applications, provisions of all applicable Florida Statutes, Rule Chapters 67-48 and 67-60, F.A.C., and Federal Regulations 24 CFR Part 92.

For more information on opening and closing dates of the competitive solicitation process, or on how to submit an Application, please access Florida Housing’s Website at http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0171 or contact Nicole Gibson at (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 and 1(800)955-8771.

Section XIII
Index to Rules Filed During Preceding
Week

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