

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: RULE TITLE:
5B-57.011 Biomass Plantings

PURPOSE AND EFFECT: The purpose of this amendment is to require that a new application for a Biomass Permit be submitted if the original permitted acreage is increased by more than 5%. It also requires permission of the landowner for the life of the biomass planting and allows a fallow area of more than 25 feet to serve as a containment mechanism.

SUBJECT AREA TO BE ADDRESSED: Biomass Permit Requirements.

SPECIFIC AUTHORITY: 570.07(13), (23) FS.

LAW IMPLEMENTED: 581.031(4), (5), (6), 581.083, 581.091 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Richard Gaskalla, Director, Department of Agriculture and Consumer Services, Division of Plant Industry, Room A116, 1911 S. W. 34th Street, Gainesville, Florida 32608, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-57.011 Biomass Plantings.

(1) Biomass Permit Requirements. It shall be unlawful to establish a biomass planting greater in size than two contiguous acres except under a biomass permit (Biomass Planting Permit, DACS-08382, revised 07/06) issued by the department for this purpose and is incorporated herein by reference. An application for new biomass permit will be required if the planting (contiguous or noncontiguous) will exceed five percent (5%) of the acreage of the original permit. No biomass permit shall be issued for any planting of plants on the state noxious weed list or the federal noxious weed list. No biomass permit shall be issued unless the applicant is the owner of the property or has written permission from the property owner to utilize the land for biomass plantings for the duration of the life of the permit. Applications for biomass permits shall be made on Biomass Planting Permit Application, DACS-08381, revised 08/06, and submitted to the Division of Plant Industry, P. O. Box 147100, Gainesville, FL

32614-7100, for this purpose and is incorporated herein by reference. Separate applications for biomass permits shall be required for each noncontiguous growing location and must include a complete description of the nonnative plant to be grown and an estimated cost of removing and destroying the subject plant including the basis for calculating or determining that estimate. The applications must be submitted with the permit fee of \$50 and proof that a bond in the form approved by the department and issued by a surety company admitted to do business in Florida or a certificate of deposit has been obtained as described in Section 581.083(4), F.S. The application forms can be obtained from the same address or from the Division of Plant Industry website, <http://www.doacs.state.fl.us/~pi/>. In evaluating the permit application, the department shall visit the proposed growing location and determine if feasible measures can be taken to prevent the spread of the plant into neighboring ecosystems. The permit will include the following requirements as a minimum:

(a) A system of traps or filters shall be required to prevent plants or plant parts from spreading through ditches, natural waterways or other drainage. A fallow area in excess of 25' may be considered as a trap.

(b) Measures will be required to prevent spread by seed.

(c) A fallow area, wide enough to prevent plant spread into adjacent areas, shall be required. The fallow area may be used singularly or in combination with a berm ~~will be on both sides of a berm~~ surrounding the biomass planting.

(d) Any equipment used on the site must be cleaned of all plant debris before being moved from the property.

(e) Wildfire protection measures will be required to mitigate fire risk and damages to surrounding areas.

(f) A compliance agreement (Compliance Agreement, Biomass, DACS-08383, revised 07/06) containing any additional requirements needed to prevent plant spread shall be signed and will be an addendum to the permit for this purpose and is incorporated herein by reference. Copies of Compliance Agreement, Biomass, DACS-08383, revised 07/06, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100. Failure to abide by the permit stipulations or the compliance agreement is considered to be a violation of these rules.

(2) Bonds or Certificates of Deposit. Each permit holder shall maintain for each separate growing location a bond or a certificate of deposit in an amount of not less than 150 percent of the estimated cost of removing and destroying the plants as described in Section 581.083(4), F.S. The bond or certificate of deposit may not exceed \$5,000 per acre except as allowed by statute.

(3) Abandoned Biomass Plantings. It shall be unlawful for any person to abandon a biomass planting. It is the responsibility of the property owner or permit holder to

completely destroy the planting prior to vacating the property or stopping commercial production. If the department determines that the permit holder is no longer maintaining or cultivating the plants subject to the special permit and has not removed and destroyed the plants authorized by the special permit or has exceeded the conditions of the biomass permit, the department shall take action to initiate the removal of the plants through the issuance of an immediate final order and execution of the bond or certificate of deposit as described in Section 581.083(4), F.S.

(4) Exemptions. A biomass permit is not required for plants produced for purposes of agriculture as defined in Section 570.02(1), F.S., or if the department in consultation with the University of Florida, Institute of Food and Agricultural Sciences has determined that the nonnative plant is not invasive and specifically exempts it in this rule. The following plants or groups of plants are exempt:

- (a) Any plant that is produced for purposes of human food consumption.
- (b) Any plant that is commonly grown for commercial feed, feedstuff or forage for livestock.
- (c) Pinus spp.

Specific Authority 570.07(13), (23) FS. Law Implemented 581.031(4), (5), (6), 581.083, 581.091 FS. History—New 10-1-06, Amended.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NOS.:	RULE TITLES:
5C-24.001	Definitions
5C-24.002	General Requirements
5C-24.003	Official Certificate of Veterinary Inspection (OCVI)

PURPOSE AND EFFECT: The purpose and effect of this rule is to update references to the current code of federal regulations referenced in current rules, to revise the definition of official certificate of veterinary inspection (OCVI) to be consistent with Florida Statutes, to delete unnecessary language in current rules, and to clarify the OCVI required for the intrastate sale of dogs and cats in Florida. This rule also corrects an erroneous form number contained in the current rules.

SUBJECT AREA TO BE ADDRESSED: To revise the definition of official certificate of veterinary inspection (OCVI) to be consistent with Florida Statutes.

SPECIFIC AUTHORITY: 585.002(4) FS.

LAW IMPLEMENTED: 585.145(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. William Jeter, Chief, Bureau of Animal Disease Control, Department of Agriculture and Consumer Services, Division of Animal Industry, Room 332, 407 South Calhoun Street, Tallahassee, FL 32399-0800; (850)410-0900; fax: (850)410-0957

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.:	RULE TITLE:
5C-28.001	Dog and Cats – Intrastate Transfer of Ownership

PURPOSE AND EFFECT: The purpose and effect of this rule is to adopt the requirements necessary to transfer the ownership of a dog or cat by sale within Florida.

SUBJECT AREA TO BE ADDRESSED: To adopt the specific official certificate of veterinary inspection (OCVI) that must be obtained before ownership of a dog or cat can be transferred by sale within Florida.

SPECIFIC AUTHORITY: 585.002(4) FS.

LAW IMPLEMENTED: 585.145(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. William Jeter, Chief, Bureau of Animal Disease Control, Department of Agriculture and Consumer Services, Division of Animal Industry, Room 332, 407 South Calhoun Street, Tallahassee, FL 32399-0800; (850)410-0900; fax: (850)410-0957

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09981	Implementation of Florida’s System of School Improvement and Accountability

PURPOSE AND EFFECT: The purpose of the rule development is to amend the adequate progress provision of school grades to accommodate schools that improve the percentage of their lowest performing students who make

learning gains, yet fall below the currently specified minimum requirement of at least fifty (50) percent of such students making learning gains.

SUBJECT AREA TO BE ADDRESSED: Adequate Progress of the Lowest Performing Students in School Grades.

SPECIFIC AUTHORITY: 1008.34 FS.

LAW IMPLEMENTED: 1008.34 FS.

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

DATE AND TIME: February 4, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Department of Education, 325 West Gaines Street, Room 1703/07, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Juan C. Copa, Bureau Chief, Research and Evaluation, Division of Accountability, Research, and Measurement, Department of Education, 325 West Gaines Street, Room 844, Tallahassee, Florida 32399; (850)245-0429

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09981 Implementation of Florida’s System of School Improvement and Accountability.

(1) through (7) No change.

(8) Planned System Enhancements. As indicated in this subsection, planned enhancements will occur in Florida’s System of School Improvement and Accountability. The Commissioner of Education will periodically recommend additional changes to the system to the State Board of Education as necessary to ensure that continuous improvements are made in the educational programs of the state.

(a) No change.

(b) Math lowest twenty-five (25) percent will be added as an additional category of performance beginning in 2006-07. For this category of achievement, one (1) point for each percent of students in the lowest twenty-five (25) percent in reading in the school as defined in paragraph (5)(c) of this rule who make learning gains as defined in paragraph (5)(b) of this rule.

1. Schools designated as Performance Grade “C” or above shall be required to demonstrate that adequate progress in mathematics, defined as annual learning gains in paragraph (5)(b) of this rule, has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year’s FCAT score. The minimum requirement for adequate progress is deemed to be met when at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of

this rule. If the percent of such students making learning gains is below fifty (50) percent in the current year, adequate progress can be met if:

a. Schools demonstrate a one (1) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is at least forty (40) percent in the current year;

or

b. Schools demonstrate a five (5) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is below forty (40) percent in the current year.

If the minimum requirement for adequate progress in mathematics among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for improving learning gains of the lowest performing students. If a school otherwise designated as Performance Grade “B” or “C” does not make adequate progress, ~~as defined above demonstrate learning gains for at least half of the lowest performing students~~, in at least one (1) of two (2) consecutive years, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as Performance Grade “A” unless the adequate progress criterion in mathematics, learning gains for at least half of the lowest performing students, is met each year.

(c) through (d) No change.

(9) through (15) No change.

Specific Authority 1001.02, 1008.22, 1008.33, 1008.345 FS. Law Implemented 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS. History—New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, 5-15-06,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.03012	Special Programs for Students Who Are Speech and Language Impaired
6A-6.030121	Exceptional Education Eligibility for Students with Language Impairments
6A-6.03018	Exceptional Education Eligibility for Students with Specific Learning Disabilities

PURPOSE AND EFFECT: The purpose of these rule development workshops is to ensure that the programs for students who have specific learning disabilities or who are speech or language impaired are consistent with the amendments to the federal law, the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Chapter 33, and its implementing regulations and/or to update rule language to reflect current knowledge in the field. The effect of these rule

developments will be the promulgation of rules which will be consistent with the federal requirements and current knowledge in the field.

SUBJECT AREA TO BE ADDRESSED: Federal and state requirements for programs for students who have specific learning disabilities or who are speech or language impaired to include the definition, criteria for eligibility, student evaluation, and determination of eligibility as applicable to each of these programs. Additionally the rule related to language impairments addresses the requirements for speech-language associates.

SPECIFIC AUTHORITY: 1001.02(1), 1003.57(1) FS.

LAW IMPLEMENTED: 1001.03, 1003.57(1), 1003.01(3), 1011.62(1)(c) FS., Individuals with Disabilities Education Act 20

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: 10:00 a.m. – 1:00 p.m., February 1, 2008; 10:00 a.m. – 1:00 p.m., February 7, 2008; 10:00 a.m. – 1:00 p.m., February 8, 2008; 10:00 a.m. – 1:00 p.m.; February 15, 2008

PLACES: February 1, 2008 – Florida Department of Education, 325 West Gaines Street, Room 1721, Tallahassee, FL 32399; (850)245-0478

February 7, 2008 – Florida Diagnostic and Learning Resources Center/Manhattan Center, 4210 W. Bay Villa Avenue, Tampa, FL 33611; (813)837-7777

February 8, 2008 – Fullerwood Center, 10 Hildreth Drive, St. Augustine, FL 32084; (904)819-3947

February 15, 2008 – Nob Hill Hall at Soccer Club Park, 10400 Sunset Strip, Sunrise, FL 33322; (754)321-2205

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: Cathy Bishop, Bureau of Exceptional Education and Student Services, (850)245-0478, or via electronic mail at cathy.bishop@fldoe.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

Written comments regarding the preliminary text of the proposed rules will be accepted through February 25, 2008

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 6A-6.03012 follows. See Florida Administrative Code for present text).

6A-6.03012 ~~Special Programs~~ ~~Exceptional Education Eligibility~~ for Students Who are ~~Speech and Language Impaired with Speech Impairments~~.

(1) Definitions. Speech impairments are defined as disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance and/or functioning in the educational environment, and result in the need for specially designed instruction and related services.

(a) Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, and/or omissions that interferes with intelligibility. A speech sound disorder is not primarily the result of factors related to age, culture, gender, or ethnicity.

1. Phonological disorder. A phonological disorder is impairment in the system of phonemes and phoneme patterns within the context of spoken language.

2. Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

(b) Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, and/or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to age, culture, gender, or ethnicity.

(c) Voice disorder. A voice disorder is characterized by the atypical production and/or absence of vocal quality, pitch, loudness, resonance, and/or duration of phonation that that are not primarily the result of factors related to age, culture, gender, or ethnicity.

(2) Activities prior to referral. Prior to referral for evaluation, the requirements in Rule 6A-6.0331, F.A.C., must be met.

(3) Evaluation. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation also must include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C. In addition, minimum student evaluations shall include the following:

(a) Speech evaluation. A speech sound evaluation must include the following:

1. Information must be gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including, but not limited to, interviews, checklists, and/or questionnaires.

2. Documented and dated observations of the student's speech characteristics must be conducted to examine the student's speech characteristics during connected speech or conversation. Activities conducted prior to referral may be used to meet this criterion.

3. An examination of the oral mechanism structure and function must be conducted.

4. One or more standardized, norm-referenced instruments designed to measure speech sound production must be administered to determine type and severity of speech sound errors and whether the errors are articulation (phonetic) and/or phonological (phonemic) in nature.

5. An assessment of stimulability must be conducted to examine the student's ability to produce a correct or improved production of a misarticulated sound.

(b) Fluency evaluation must reflect a multidimensional process and must include the following:

1. An assessment of all of the following areas:

- a. Motor aspects of the speech behaviors,
- b. Student's attitude regarding the speech behaviors,
- c. Social impact of the speech behaviors, and
- d. Educational impact of the speech behaviors.

2. Information must be gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, to address the areas identified in subparagraph (3)(b)1. of this rule. This may be completed through a variety of methods, including, but not limited to, interviews, checklists, and/or questionnaires.

3. Documented and dated observations of the student's speech and secondary behaviors must be conducted in more than one setting, including the educational setting. Activities conducted prior to referral may be used to meet this criterion, if the activities address the areas identified in subparagraph (3)(b)1. of this rule.

4. An examination of the oral mechanism structure and function must be conducted.

5. A speech sample of a minimum of 200 syllables must be collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors.

(c) Voice evaluation must include all of the following:

1. Information must be gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including, but not limited to, interviews, checklists, and/or questionnaires.

2. Documented and dated observations of the student's voice characteristics must be conducted. Activities conducted prior to referral may be used to meet this criterion.

3. An examination of the oral mechanism structure and function must be conducted.

4. A report of a medical examination of laryngeal structure and function conducted by a physician licensed to practice in Florida, to include a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

(4) Criteria for eligibility. A student is eligible for special programs for speech impairments if the student meets the following criteria as determined by the procedures prescribed in this rule and Rules 6A-6.0331 and 6A-6.03411, F.A.C. A student with a speech impairment is eligible for exceptional student education if the student meets all of the eligibility criteria for one or more of the following disorders:

(a) Speech sound disorder. A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological and/or articulation disorder that is characterized by the atypical production of speech sounds. The atypical production of speech sounds may be characterized by substitutions, distortions, additions, and/or omissions. Evaluation results must reveal all of the following:

1. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts.

2. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data.

3. The student's sound errors must not be readily stimuable.

4. The speech sound disorder must have an adverse effect on the student's ability to perform and/or function in the educational environment, thereby demonstrating the need for specially designed instruction and related services. It also may have an effect on the student's attitude and/or social/emotional development.

5. The speech sound disorder is not primarily the result of factors related to age, culture, gender, or ethnicity.

(b) Fluency disorder. A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

1. The student must exhibit significant and persistent dysfluent speech behaviors on a consistent basis. The dysfluency may include, but not be limited to, repetition of phrases, whole words, syllables, and phonemes, prolongations, blocks, and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

2. The fluency disorder must have an adverse effect on the student's ability to perform and/or function in the educational environment, thereby demonstrating the need for specially

designed instruction and related services. It also may have an effect on the student's attitude and/or social/emotional development.

3. The dysfluency is not primarily the result of factors related to age, culture, gender, or ethnicity.

(c) Voice disorder. A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

1. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, and/or duration of phonation. The atypical voice characteristics may include, but not be limited to, inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, and/or harshness.

2. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform and/or function in the educational environment and is amenable to improvement with therapeutic intervention.

3. The voice disorder must have an adverse effect on the student's ability to perform and/or function in the educational environment, thereby demonstrating the need for specially designed instruction and related services. It also may have an effect on the student's attitude and/or social/emotional development.

4. The atypical voice characteristics are not primarily the result of factors related to age, culture, gender, or ethnicity.

Specific Authority 1012.44, 1012.55, 1012.56 FS. Law Implemented 1001.42(1) FS. History—New 7-1-77, Amended 7-13-83, Formerly 6A-6.3012, Amended 8-1-88, 9-17-01, _____

6A-6.030121 Exceptional Education Eligibility for Students with Language Impairments.

(1) Definition. Language impairments are defined as disorders of language that interfere with communication, adversely affect performance and/or functioning in the educational environment, and result in the need for specially designed instruction and related services.

(a) A language impairment is defined as a disorder in one or more of the basic processes involved in understanding or in using spoken and/or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the rules that govern the sound combinations;

2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms;

3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence;

4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences; and/or

5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

(b) The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, and/or spelling. A language impairment is not primarily the result of factors related to age, culture, gender, ethnicity, or limited English proficiency.

(2) Activities prior to referral for students in kindergarten through grade twelve. In addition to the requirements in Rule 6A-6.0331, F.A.C., and in order to ensure that the decreased performance and/or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the parents and group of qualified professionals must consider the following:

(a) Data that demonstrate that the student was provided appropriate instruction delivered by qualified personnel in general education settings; and

(b) Data-based documentation of repeated measures of performance and/or functioning at reasonable intervals, graphically reflecting the student's response to intervention during instruction, must be provided to the student's parent(s).

(3) Evaluation procedures for children in prekindergarten. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation also must include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C. In addition, the minimum evaluation for a prekindergarten child shall include the following:

(a) Information gathered from the child's parent(s) or guardian(s) and others as appropriate, such as teacher(s), service providers, and caregivers regarding the concerns and description of language skills. This may be completed through a variety of methods, including, but not limited to, interviews, checklists, and/or questionnaires.

(b) Documented and dated observations of the child's language skills must be conducted in one or more setting(s). Settings may include, but are not limited, to the home environment and/or classroom. Observations may be conducted by various individuals, including, but not limited to, the speech-language pathologist, psychologist, teacher, and/or parent(s).

(c) One or more standardized norm-referenced instruments designed to measure language skills must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the evaluator is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. Rationale for use of an alternative instrument must be provided in the evaluation report.

(4) Evaluation procedures for students in kindergarten through grade twelve.

(a) The school district must promptly request parental consent to conduct an evaluation to determine if the student needs specially designed instruction and related services described in Rule 6A-6.0331, F.A.C., in the following circumstances:

1. If, prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or

2. If prior to a referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services; and

3. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and related services and the existence of a disability.

(b) In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.03411, F.A.C., unless extended by mutual agreement of the student's parents and a group of qualified professionals. In addition, minimum student evaluations shall include the following:

1. Information gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, regarding the concerns and a description of language skills. This may be completed through a variety of methods, including, but not limited to, interviews, checklists, and/or questionnaires.

2. Documented and dated observations of the student's language skills must be conducted in one or more setting(s).

3. One or more standardized norm-referenced instruments designed to measure language skills must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the evaluator is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. Rationale for use of an alternative instrument must be provided in the evaluation report.

If any of these evaluation components were conducted during activities prior to referral, they may be used to meet these criteria.

(5) Criteria for eligibility for prekindergarten children. A prekindergarten child is eligible for special programs for language impairments if the child meets all of the following criteria as determined by the procedures prescribed in this rule and Rules 6A-6.0331 and 6A-6.03411, F.A.C.:

(a) There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, and/or emergent literacy skills, such as vocabulary development, phonological awareness, and narrative concepts. It also may have an effect on the student's attitude and/or social/emotional development.

(b) Documented and dated behavioral observations reveal significant language deficits that interfere with performance and/or functioning in the educational environment.

(c) Results of standardized norm-referenced instruments reveal a significant language deficit in one or more of the areas listed in subsection (1) of this rule, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in subsection (1) of this rule. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

(d) Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, and/or caregivers, as well as information revealed through the language sample, must support the results of the standardized instruments and observations conducted.

(e) The language impairment must have an adverse effect on the student's ability to perform and/or function in the educational environment, thereby demonstrating the need for specially designed instruction and related services.

(f) The language impairment is not primarily the result of age, gender, ethnicity, culture, or Limited English proficiency.

(6) Criteria for eligibility for students in kindergarten through grade twelve.

(a) The determination of whether a student suspected of having a language impairment is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents and a team of qualified professionals, which, in addition to those required by Rule 6A-6.0331, F.A.C., must include the following:

1. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age; and

2. A speech-language pathologist and other professionals, as appropriate, such as a school psychologist or reading specialist, qualified to conduct and interpret individual diagnostic examinations of students.

(b) The student's parent(s) and group of qualified professionals may determine that a student has a language impairment if there is evidence of all of the following:

1. Due to deficits in the student's language skills, the student does not perform and/or function adequately for the student's chronological age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

- a. Oral expression;
- b. Listening comprehension;
- c. Social interaction;
- d. Written expression;
- e. Phonological processing;
- f. Reading comprehension.

2. Evidence of a language impairment is documented, based on a comprehensive language evaluation including all evaluation components as specified in paragraph (4)(b). Evaluation results must reveal all of the following:

a. Documented and dated behavioral observations reveal significant language deficits that interfere with performance and/or functioning in the educational environment.

b. Results of standardized norm-referenced instruments reveal a significant language deficit in one or more of the areas listed in subsection (1) of this rule, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in subsection (1). Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

c. Information gathered from the student's parent(s) or guardian(s), teacher(s), and the student must support the results of the standardized instruments and observations conducted.

3. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or State-approved grade-level standards in one or more of the areas identified in subparagraph (6)(b)1. of this rule when using a process based on the student's response to scientific, research-based intervention; and

4. The group determines that its findings under subparagraph (6)(b)1.-2. of this rule are not primarily the result of age, culture, gender, ethnicity, irregular patterns of attendance, or limited English proficiency.

(c) Specific documentation for the eligibility determination. For a student suspected of having a language impairment, the documentation of the determination of eligibility must include the following information:

1. The student's response to intervention data confirms all of the following:

a. Performance/functioning discrepancies. The student displays significant discrepancies in level of performance and/or functioning based on multiple sources as compared to

typical peers or expectations at the peer subgroup, classroom, school, district, and/or state level for the chronological age or grade level in which the student is enrolled; and

b. Rate of progress. The student's rate of progress indicates that when provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration, the rate of progress is insufficient and/or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled; and

c. Educational need. The student's educational need is evidenced by a continued need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for specially designed instruction and related services due to the adverse effect of the language impairment on the student's ability to perform and/or function in the educational environment.

2. Evidence of a language impairment, based on the results of a comprehensive language evaluation, including all evaluation components as specified in paragraph (4)(b) of this rule. Documentation of the evaluation results must include statements revealing the evidence of the language impairment as specified in paragraph (6)(b) of this rule.

3. The educationally relevant medical findings, if any;

4. The determination of the student's parents and group of qualified professionals concerning the effects of age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance and/or functioning; and

5. Documentation based on data derived from a process that assesses the student's response to scientific, research-based intervention including:

a. Documentation of the specific interventions used, the intervention support provided, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected; and

b. Documentation that the student's parent(s) were notified about the state's policies regarding the amount and nature of student performance and/or functioning data that would be collected and the educational resources and services that would be provided; interventions for increasing the student's rate of progress; and the parental right to request an evaluation.

(7) Speech-language services.

(a) A speech-language pathologist shall be a member of any eligibility staffing committee reviewing speech and language evaluation data and shall be involved in the development of the individual educational plan for students eligible for speech and language services.

(b) Speech-language services shall be provided by a speech-language pathologist, pursuant to Rule 6A-4.0176, F.A.C., a licensed speech-language pathologist pursuant to Section 468.1185, Florida Statutes, or a speech-language associate, pursuant to Rule 6A-4.01761, F.A.C.

(c) Speech-language associate.

1. Speech-language services provided by a speech-language associate, as specified in Rule 6A-4.01761, F.A.C., must be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher. Services under this subsection can be provided for a period of three (3) years as described in Section 1012.44, Florida Statutes, in districts that qualify for the sparsity supplement as described in Section 1011.62(7), Florida Statutes.

2. Districts shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:

a. The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction;

b. The rationale for using this model;

c. The manner in which the associate will be required to demonstrate competency;

d. The process for monitoring the quality of services;

e. The process for measuring student progress; and

f. The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel.

Specific Authority 1012.44, 1012.55, 1012.56 FS. Law Implemented 1001.42(1) FS. History—New _____.

(Substantial rewording of Rule 6A-6.03018 follows. See Florida Administrative Code for present text).

6A-6.03018 Exceptional Education Eligibility ~~Special Programs~~ for Students with Specific Learning Disabilities.

(1) Definition. A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, and/or to do mathematics. Associated conditions include, but are not limited to, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, dyscalculia, dysgraphia, and developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, intellectual disability, emotional/behavioral disability, limited English proficiency, or of environmental, cultural, or economic factors.

(2) General education intervention procedures and activities prior to requesting an eligibility determination. In addition to the requirements in Rule 6A-6.0331, F.A.C., and in order to ensure that lack of academic progress is not due to lack of appropriate instruction, the group must consider:

(a) Data that demonstrate that the student was provided appropriate instruction delivered by qualified personnel in general education settings; and

(b) Data-based documentation of repeated measures of achievement at reasonable intervals, graphically reflecting student's response to intervention during instruction, must be provided to the student's parent(s).

(3) Evaluation. The student evaluation procedures shall include the following:

(a) The school district must promptly request parental consent to conduct an evaluation to determine if the student needs specially designed instruction as described in Rule 6A-6.0331, F.A.C., in the following circumstances:

1. If, prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or

2. If, prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services; and

3. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

(b) In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.03411, F.A.C., unless extended by mutual written agreement of the student's parents and a group of qualified professionals.

(4) Additional members of the multidisciplinary team. The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents and a team of qualified professionals, which, in addition to those required by Rule 6A-6.0331, F.A.C., must include the following:

(a) The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age; and

(b) At least one person qualified to conduct and interpret individual diagnostic examinations of students, such as a school psychologist, speech-language pathologist, or reading specialist.

(5) Criteria for eligibility. A student is eligible for special programs for specific learning disabilities if the student meets all of the following criteria as determined by the procedures prescribed in Rules 6A-6.0331 and 6A-6.03411, F.A.C.

(a) In determining whether a student needs specially designed instruction and has a specific learning disability, the team must:

1. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

2. Have at least one member of the eligibility team conduct an observation of the student's academic performance in the student's least restrictive academic setting after referral for an evaluation and parental consent has been obtained to determine the relationship between the student's classroom behavior and academic performance.

3. In the case of a student out of school, a group member must observe the student in an environment appropriate for a student of that chronological age.

(b) The student's parent(s) and group of qualified professionals may determine that a student has a specific learning disability if there is evidence of the following:

1. The student does not achieve adequately for the student's chronological age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

a. Oral expression;

b. Listening comprehension;

c. Written expression;

d. Basic reading skills;

e. Reading fluency skills;

f. Reading comprehension;

g. Mathematics calculation; and/or

h. Mathematics problem solving.

2. The student does not make sufficient progress to meet chronological age or State-approved grade-level standards in one or more of the areas identified in subparagraph (5)(b)1. of this rule when using a process based on the student's response to scientific, research-based intervention; and

3. The group determines that its findings under paragraphs (a) and (b) of this section are not primarily the result of the following:

a. A visual, hearing, or motor disability;

b. Intellectual disability;

c. Emotional/behavioral disability;

d. Cultural factors;

e. Irregular pattern of attendance and/or high mobility rate;

f. Classroom behavior;

g. Environmental or economic factors; or

h. Limited English proficiency.

(c) For a student suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in 34 CFR §300.306(a)(2), must include the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with 34 CFR §300.306(c)(1);

2. The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;

The educationally relevant medical findings, if any;

4. Whether the student has a specific learning disability as evident by response to intervention data confirming the following:

a. Performance discrepancy. The student displays significant discrepancies in level of academic performance based on multiple sources as compared to typical peers and/or academic expectations at the peer subgroup, classroom, school, district, and/or state level for the chronological age or grade level in which the student is enrolled consistent with 34 CFR §300.309(a)(1); and

b. Rate of progress. When provided with effective implementation of appropriate research-based general education instruction and interventions of reasonable intensity and duration, the student's rate of progress is insufficient and/or requires sustained and substantial effort to close the achievement gap with typical peers and/or academic expectations for the chronological age or grade level in which the student is currently enrolled consistent with 34 CFR §300.309(a)(2)(i); and

c. Educational need. The student continues to need interventions that significantly differ in intensity and duration from what can be provided solely through general education resources.

5. The determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional/behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance and/or high mobility rate; classroom behavior; or limited English proficiency on the student's achievement level; and

6. Documentation based on data derived from a process that assesses the student's response to scientific, research-based intervention including:

a. Documentation of the specific instructional interventions used, the intervention support provided, the duration and frequency of intervention implementation (e.g. number of weeks, minutes per week, sessions per week), and the student-centered data collected; and

b. Documentation that the student's parent(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental right to request an evaluation.

7. The signature of each group member certifying that the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

Specific Authority 1000.01, 1001.42(4)(1), 1003.57 FS. Law Implemented 1000.01, 1001.42(4)(1), 1003.57(5), 1011.62(1)(c) FS. History--New 7-1-77, Amended 7-2-79, 7-14-82, Formerly 6A-6.3018, Amended 1-11-94.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0573
 RULE TITLE: Industry Certification Process

PURPOSE AND EFFECT: The purpose of this rule will be to implement requirements of Section 1003.492(2), F.S., that requires the Department to "use the expertise of Workforce Florida, Inc., and Enterprise Florida, Inc., to develop and adopt rules for implementing an industry certification process" essential to statewide implementation of the Career and Professional Education Act of 2007. This section of Florida Statutes provides that ". . .industry certification shall be defined by the Agency for Workforce Innovation, based upon the highest available national standards for specific industry certification, to ensure student skill proficiency and to address emerging labor market and industry trends."

SUBJECT AREA TO BE ADDRESSED: Industry certification for students enrolled in career academies that meet the requirements of Section 1003.493, F.S.

SPECIFIC AUTHORITY: 1003.492(2) FS.

LAW IMPLEMENTED: Chapter 2007-216, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-14.002	General Program Provisions
11B-14.005	Annual Salary Incentive Compensation Report

PURPOSE AND EFFECT: To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state: Rule 11B-14.002, F.A.C.: Forms CJSTC-63 and CJSTC-67.

New Fingerprint Process. To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. Rule 11B-14.005, F.A.C.: To update the inactive advanced training program courses list.

SUBJECT AREA TO BE ADDRESSED: Commission forms and advanced training program courses.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.22(2)(h),(i) FS.

LAW IMPLEMENTED: 943.22 FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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: Donna Hunt at (850)410-8615. 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: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors

- 11B-20.0012 Denial and Revocation of Instructor Certification
- 11B-20.0013 Commission Instructor Certification Categories
- 11B-20.0014 Minimum Requirements for High-Liability and Specialized Topics Instructor Certification
- 11B-20.0016 Inspection of Instructor Certification Applications
- 11B-20.0017 Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. Rule 11B-20.001, F.A.C.: To allow a professional or technical certification plus three years experience in a specified subject matter to be instructed for exemption from General Instructor Certification. Rule 11B-20.0013, F.A.C.: To retire the Radar Instructor Certification and Laser and Radar Instructor Certifications and creating the Speed Measurement Instructor Certification for both certifications. The following Commission forms were revised to comply with the proposed rule revisions: Rule 11B-20.001, F.A.C.: To require an instructor applicant to attach the required documentation to form CJSTC-71 prior to submitting to Commission staff; to revise forms CJSTC-61 and CJSTC-61A to require that an instructor shall not instruct in Commission-approved courses if his/her certificate has been revoked, relinquished, or suspended. Rule 11B-20.0014, F.A.C.: To revise form CJSTC-10 to reflect the new requirements for obtaining a Speed Measurement Instructor Certification.

Pursuant to Section 943.12(1) to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Rule 11B-20.001, F.A.C.: To repeal the High-Liability Instructor Internship form CJSTC-81A and transfer the internship requirements to form CJSTC-81. Rules 11B-20.001 and 11B-20.0014, F.A.C.: To revise the General Instructor Certification requirements and retire the Traditional General Instructor Certification and Traditional Instructor Techniques Course. Rule 11B-20.0013, F.A.C.: To retire the Traditional High-Liability Instructor Certifications and remove the “CMS” designation from the existing high-liability certifications. Rule 11B-20.0014, F.A.C.: To require three years experience versus three years work experience for instructor certification. To require student evaluation of an instructor. To update the law topics in the Commission’s Basic Recruit Training Programs. Rule 11B-20.0016, F.A.C.: To

update the instructor certification topics. Rule 11B-20.0017, F.A.C.: To revise the names of the general and high-liability instructor certifications.

New Fingerprint Process. To revise form CJSTC-67 to comply with the revision of Section 943.13(5), F.S., for processing an officer’s fingerprints for employment or appointment.

To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual’s full social security number unless a list of the documents or forms are filed with the state: Rule 11B-20.001, F.A.C.: CJSTC-71, CJSTC-61, CJSTC-81; Rule 11B-20.0016, F.A.C.: CJSTC-271; Rule 11B-20.0017, F.A.C.: CJSTC-84; Rule 11B-20.0014, F.A.C.: CJSTC-10.

Clarify and restructure existing rule language to comply with the Governor’s plain language policy:

Rule 11B-20.001, F.A.C.: To create a new rule paragraph for “instructor separation from affiliation.” To create a new rule paragraph for equivalent instructor training. To update the required instructor competencies and internship requirements by creating a new rule paragraph for instructor exemption from the Instructor Techniques Courses. To create a new rule paragraph for Exemption from General Instructor Certification. Rule 11B-20.0012, F.A.C.: To create a new paragraph for disciplinary guidelines and penalties to impose on Commission-certified instructors for violation of statute or Commission rules. Rule 11B-20.0014, F.A.C.: To create new rule paragraphs for high-liability instructor certifications for vehicle, firearms, defensive tactics, first aid, specialized instructor certifications for law topics, speed measurement, canine, and breath test. Rule 11B-20.0017, F.A.C.: To create a new rule paragraph for “lapse of instructor certifications” and to clarify the period for maintaining an instructor certification.

SUBJECT AREA TO BE ADDRESSED: Commission forms; minimum requirements for general certification of instructors; denial and discipline of instructor certifications; instructor certification categories; minimum requirements for high-liability and specialized topics instructor certifications; inspection of instructor certification applications; and maintenance and duration of instructor certifications.

SPECIFIC AUTHORITY: 120.60(1), 943.03(4), 943.12(1), (2), 943.14, 943.14(3) FS.

LAW IMPLEMENTED: 120.60(1), 943.12(3), (9), 943.13(6), 943.14(3) FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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: Donna Hunt at (850)410-8615. 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: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-21.002	Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification
11B-21.005	Criminal Justice Training School Requirements for Certification and Re-certification
11B-21.018	Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification
11B-21.019	Criminal Justice Training School Inspections

PURPOSE AND EFFECT: Pursuant to Section 943.12(1), F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement Basic Recruit Training Program: Rule 11B-21.005, F.A.C.: To update the instructor to student ratio requirements and/or equipment to ratio requirements and update items in the first aid kit on the equipment and facility requirement forms CJSTC-202; CJSTC-203; CJSTC-201; and CJSTC-208.

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. Rule 11B-21.005, F.A.C.: To revise the instructor staffing requirements for training schools with a Type "B" or "C" certification to allow training schools to have a least one full-time instructor or instructor coordinator that will report solely to the training center director. To increase the years from two to four for maintaining a valid Basic Abilities Test. To update rule references.

To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state: Rule 11B-21.019, F.A.C.: Form CJSTC-200.

SUBJECT AREA TO BE ADDRESSED: Commission forms and requirements for certification and recertification of criminal justice training schools.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.12(3), (7), 943.14, 943.17(1)(g) FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.0021	High School Graduation or Equivalent
11B-27.00211	Fingerprint Processing and Criminal Record Results
11B-27.00212	Maintenance of Officer Certification
11B-27.00213	Temporary Employment Authorization
11B-27.0022	Background Investigations
11B-27.003	Duty to Report, Investigations, Procedures
11B-27.004	Probable Cause Determination
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
11B-27.013	Canine Team Certification

PURPOSE AND EFFECT: To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state: Rules 11B-27.002, 11B-27.00212, 11B-27.003, F.A.C.: CJSTC-63; CJSTC-67; CJSTC-75; CJSTC-75A; CJSTC-68; CJSTC-60; CJSTC-59; CJSTC-78, CJSTC-79; CJSTC-207; CJSTC-259; CJSTC-77; CJSTC-65; CJSTC-76; CJSTC-76A; CJSTC-61; CJSTC-61A; CJSTC-74; CJSTC-86; CJSTC-86A; 11B-27.013; CJSTC-70; CJSTC-83; and CJSTC-270.

Clarify and restructure existing rule language to comply with the Governor's plain language policy: High School Diploma. Rule 11B-27.0021, F.A.C.: To clarify the requirements for obtaining proof of compliance and authenticity of a high school diploma and college transcript, and to list the allowable degree granting institutions. Rule 11B-27.00211, F.A.C.: To create a separate rule paragraph for correctional institutions.

To comply with Section 120.74, F.S., which requires an agency to revise its rules as often as necessary (no less than every two years) to ensure compliance with Florida Statutes. Rule 11B-27.002, F.A.C.: Military Status. To allow other official documentation from the United States Military denoting the individual's discharge status.

Rule 11B-27.0022, F.A.C.: To revise the Authority for Release of Information form CJSTC-58 to allow other official documentation from the United States Military for verifying an individual's discharge status and to require an agency to document its contact with the applicant's commanding officer or designee to verify the applicant is compliant with military regulations. Background Investigations – Rule 11B-27.002, F.A.C.: To require that all documents collected during a background investigation shall be made available for review by Commission staff and to clarify the "type" of investigative findings collected on form CJSTC-77 and Rule 11B-27.0022, F.A.C.: To require verification of the applicant's response through a FCIC and NCIC records warrants check regarding prior history of unlawful conduct and to require verification of the applicant's response regarding unlawful drug use. Rule 11B-27.003, F.A.C.: To revise the Internal Investigation Report form CJSTC-78 to include Section 112.532(6), F.S., "limitation for disciplinary action during an internal investigation." Rule 11B-27.00213, F.A.C.: To make formatting changes. Rule 11B-27.002, F.A.C.: To revise form CJSTC-61 and CJSTC-61A to require training schools and agencies to report an instructor's separation from employment to Commission staff.

Pursuant to Section 943.12(1) F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training

Programs: Rule 11B-27.0011, F.A.C.: To revise existing rule references and remove obsolete rule language. Rule 11B-27.00213, F.A.C.: To revise the performance requirements on the CMS Firearms Performance Evaluation form CJSTC-4 CMS.

Pursuant to Section 943.1395(8)(b)2., F.S., on or before July 1 of each odd-numbered year, the commission shall conduct a workshop to receive public comment and evaluate disciplinary guidelines and penalties: To comply with statutory requirements by updating the Commission's rules regarding moral character violations, probable cause determinations, revocation or disciplinary actions, disciplinary guidelines, and range of penalties in Rules 11B-27.0011, 11B-27.004 and 11B-27.005, F.A.C.

To comply with the statutory revisions of Section 943.13(6), F.S., that requires an officer to give prior knowledge of tuberculosis, hypertension, and heart disease in Rule 11B-27.002, F.A.C.

To comply with statutory revisions to Section 943.13(5), F.S. Rule 11B-27.002, F.A.C.: To provide that the Applicant Fingerprint Card FD-258 is no longer required for processing an officer's employment or appointment. Rule 11B-27.00211, F.A.C.: To remove the requirement that Commission staff notify agencies via the Fingerprint Notification form CJSTC-62 when an applicant's file does not contain documentation of processed fingerprints. To change the required receipt date of processed fingerprints by the agency from the FBI or FDLE from 3 months to 30 days.

SUBJECT AREA TO BE ADDRESSED: Commission forms; update of moral character violations; requirements for certification, employment or appointment, reactivation, terminating employment or appoint of officers; high school diploma and college transcript; officer fingerprint process; maintenance of officer certification; high-liability performance evaluations; background investigation requirements; officer revocation or disciplinary actions, disciplinary guidelines and range of penalties; and canine team certification.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3), 943.1395 FS.

LAW IMPLEMENTED: 943.12, 943.13, 943.131, 943.133, 943.135, 943.139, 943.1395, 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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: Donna Hunt at (850)410-8615. 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: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-30.006	State Officer Certification Examination General Eligibility Requirements
11B-30.0062	State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing a Basic Recruit Training Program
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.0071	Examination Accommodations for Applicants with Disabilities
11B-30.008	State Officer Certification Examination Site Administration
11B-30.012	Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key

PURPOSE AND EFFECT: To comply with statutory revisions in Section 943.13(5), F.S., for processing an officer’s fingerprints for employment or appointment. To revise form CJSTC-67 incorporated in Rule 11B-30.006, F.A.C.

To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual’s full social security number unless a list of the documents or forms are filed with the state: Forms CJSTC-67, CJSTC-76; CJSTC-500; CJSTC-502 incorporated in Rules 11B-30.006, 11B-30.0071, and 11B-30.012, F.A.C.

Pursuant to Section 943.12(1) F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following form revisions were made to implement the new Florida CMS Law

Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Rules 11B-30.006 and 11B-30.0071, F.A.C.: Forms CJSTC-76 and CJSTC-500.

To comply with Section 120.74, F.S., which requires an agency to revise its rules as often as necessary (no less than every two years) to ensure compliance with Florida Statutes. Rule 11B-30.0062, F.A.C.: To change the rule section name to correspond with the content of the revised rule language. Rule 11B-30.007, F.A.C.: To require that applicants are prohibited from registering for and taking more than one State Officer Certification Examination monthly and to add “traffic crash” to the list of acceptable reasons for an applicant to reschedule to take the State Officer Certification Examination. Rules 11B-30.0071 and 11B-30.012, F.A.C.: To make housekeeping revisions. To remove the provision of providing a live reader for basic recruit students during the SOCE. To remove the provision of allowing flexible recording of an individual’s test responses by a proctor or marked on the test booklet. To allow assistive devices during the State Officer Certification Examination. To grant Commission staff authority to request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation. To remove the provision that requires the Commission to pay for medical evaluations for individuals requesting accommodations that does not substantiate the need for the requested accommodation. Rule 11B-30.008, F.A.C.: To update rule references and clarify that an applicant shall not be admitted to the examination after the administrator closes the registration process. Rule 11B-30.012, F.A.C.: To reformat existing rule language. To update applicant requirements at an Examination Review Session. To allow Commission staff to dismiss an individual from an Examination Review Session if the student violates applicant conduct pursuant to Rule 11B-30.009, F.A.C. To update the contents of the examination review packet on form CJSTC-511.

To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual’s full social security number unless a list of the documents or forms are filed with the state: Forms CJSTC-67, CJSTC-76; CJSTC-500; CJSTC-502 incorporated in Rules 11B-30.006, 11B-30.0071 and 11B-30.012, F.A.C.

Pursuant to Section 943.12(1) to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following form revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Rules 11B-30.006 and 11B-30.0071, F.A.C.: Forms CJSTC-76 and CJSTC-500.

To comply with Section 120.74, F.S., which requires an agency to revise its rules as often as necessary (no less than every two years) to ensure compliance with Florida Statutes. Rule 11B-30.0062, F.A.C.: To change the rule section name to correspond with the content of the revised rule language. Rule 11B-30.007, F.A.C.: To require that applicants are prohibited from registering for and taking more than one State Officer Certification Examination monthly and to add "traffic crash" to the list of acceptable reasons for an applicant to reschedule to take the State Officer Certification Examination. Rules 11B-30.0071 and 11B-30.012, F.A.C.: To make housekeeping revisions. To remove the provision of providing a live reader for basic recruit students during the SOCE. To remove the provision of allowing flexible recording of an individual's test responses by a proctor or marked on the test booklet. To allow assistive devices during the State Officer Certification Examination. To grant Commission staff authority to request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation. To remove the provision that requires the Commission to pay for medical evaluations for individuals requesting accommodations that does not substantiate the need for the requested accommodation. Rule 11B-30.008, F.A.C.: To update rule references and clarify that an applicant shall not be admitted to the examination after the administrator closes the registration process. Rule 11B-30.012, F.A.C.: To reformat existing rule language. To update applicant requirements at an Examination Review Session. To allow Commission staff to dismiss an individual from an Examination Review Session if the student violates applicant conduct pursuant to Rule 11B-30.009, F.A.C. To update the contents of the examination review packet on form CJSTC-511.

SUBJECT AREA TO BE ADDRESSED: Commission forms; Examination general eligibility requirements; Examination assignment and retake eligibility requirements; application examination requirements and notification process; examination accommodations for applicants with disabilities; examination site administration requirements; and review of examination questions, answers, papers, grades, and grading key.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (17), 943.1397 FS.

LAW IMPLEMENTED: 943.12(17), 943.13(10), 943.131(2), 943.1397, 943.1397(3), 943.173 FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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: Donna Hunt at (850)410-8615. 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: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.0011	Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.0021	High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training
11B-35.0023	Student Transfers within Basic Recruit Training Programs
11B-35.0024	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.006	Advanced Training Program
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT: Pursuant to Section 943.12(1), F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and

evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Instructor Requirements – Rule 11B-35.001, F.A.C.: To remove the requirement for an instructor to be CMS certified to teach high-liability courses in basic recruit training programs. To remove the CMS Application-Based Law Enforcement Curriculum and test specifications. To include exceptions for field delivery of the new Florida CMS Law Enforcement Basic Recruit Training Program. Training school requirements – Rule 11B-35.001, F.A.C.: To require training schools to provide the student with a current paper version of the curriculum prior to or at the beginning of the basic recruit training program and to require instruction of the curriculum in compliance with Commission rules and delivery guidelines. To allow training center directors to deliver basic recruit training program courses in a shorter time frame if the total program hours are successfully completed. To require 100% participation in Criminal Justice Officer Physical Fitness Training. Commission forms – Rule 11B-35.001, F.A.C.: To create the Role Play Practicum Check Sheet form CJSTC-3, Academy Physical Fitness Standards Report form CJSTC-67A, and Basic Recruit Student Physical Fitness and Chemical Agent Contamination form CJSTC-75B. Retired Basic Recruit Training Programs – Rule 11B-35.001, F.A.C.: To provide a timeline for students enrolled in the retired CMS Application-Based Law Enforcement and Traditional Correctional Probation Basic Recruit Training Programs to complete the program and take the State Officer Certification Examination. Physical Fitness Training – Rule 11B-35.0011, F.A.C.: To require that a basic recruit student shall participate in the physical fitness test and chemical agent exposure prior to beginning and prior to completing the Florida CMS Law Enforcement, Traditional Correctional, and Florida Correctional Probation Basic Recruit Training Programs. Basic Recruit Training Programs – Rule 11B-35.002, F.A.C.: To retire the CMS Application-Based Law Enforcement Basic Recruit Training Program effective 3/31/08; to add the new CMS Florida Law Enforcement Basic Recruit Training Program effective 4/1/08. To update the Traditional Correctional Probation Basic Recruit Training Program to reflect the new requirements for high-liability training and physical fitness training effective 8/31/07. To add the Florida Correctional Probation Basic Recruit Training Programs effective 4/1/08. High-liability Training – Rules 11B-35.002 and 11B-35.0023, F.A.C.: To require that an officer who transfers high-liability training from one school to another shall complete the CMS “new” training specified on the CJSTC high-liability forms. Rule 11B-35.0021, F.A.C.: To delete the obsolete high-liability proficiency and instructor courses and add the new high-liability proficiency and instructor courses. To remove the CMS high-liability instructor transition courses and update the instructor to student ratio

requirements for the high-liability courses. Rule 11B-35.007, F.A.C.: To create the CMS General Update Instructor Course and CMS Defensive Tactics Update Instructor Course to prepare Commission-certified instructors to deliver the new Florida CMS Curriculum. To retire the Traditional Instructor Techniques Course and the Radar Speed Measurement Instructor Course for Law Enforcement Officers. High-Liability Proficiency Requirements/Forms. Rule 11B-35.0024, F.A.C.: To retire the CMS Defensive Tactics Instructor Transition course, CMS First Aid Instructor Transition Course, and CMS Vehicle Operation Instructor Transition Course. To add the new high-liability proficiency requirements on high-liability forms CJSTC-4 CMS, CJSTC-5 CMS, CJSTC-6 CMS, and CJSTC-7 CMS. To repeal form CJSTC-6A CMS. To retire the CMS Firearms Instructor Transition Course.

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes and clarify and restructure existing rule language to comply with the Governor’s plain language policy: Exemption from Basic Recruit Training. Rule 11B-35.009, F.A.C.: To revise the list of required topics required for completion prior to receiving an exemption from a basic recruit training program. Rule 11B-35.007, F.A.C.: To require the training schools to attach the goals and objectives to form CJSTC-16. Rule 11B-35.001, F.A.C.: To change the instructor exemption requirements on form CJSTC-82 for instructors who have a professional or technical certification or experience in the specific subject matter. Housekeeping – Rule 11B-35.001, F.A.C.: To clarify existing rule language regarding student academic performance in courses and end-of-course examinations for Specialized Instructor Training Courses. To retire the Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators effective 12/31/08. To add the required hours for Crimes Against Children, Domestic Violence, and Violent Crime Investigator specialized training program courses. To clarify existing rule language and update rule references. To require a training center director to sign a student’s make-up work. Rule 11B-35.002, F.A.C.: To delete redundant rule language. Rule 11B-35.0021, F.A.C.: To comply with nationally recognized organizations and remove the specific instructor levels for CMS First Aid Instructors who possess a valid CPR Instructor Certification from an entity referenced in Rules 64E-2.038 and 11B-35.0023, F.A.C.: To remove the definition of “good standing.” Rule 11B-35.003, F.A.C.: To update rule references. Rule 11B-35.006, F.A.C.: To require that form CJSTC-11 shall be completed for the Speed Measurement Course number 1158 and for the Laser Speed Measurement Operators Course for Law Enforcement Officers. To allow a Speed Measurement Device Operator to instruct the practical exercises in the Speed Measurement Course while under the supervision of a certified Speed Measurement Instructor. To add “reviewing the student’s course score to form CJSTC-67. To move the inactive

Advanced Training Program Courses from Rule 11B-35.006 to subsection 11B-14.005(4), F.A.C. To clarify existing rule language. Rule 11B-35.009, F.A.C.: To clarify that an individual who receives an exemption from a basic recruit training program shall become employed four years from the date the individual demonstrated the required proficiency skills. Rule 11B-35.006, F.A.C.: To add new advanced training program courses. Basic Abilities Test. Rule 11B-35.0011, F.A.C.: Pursuant to the provisions of Section 943.17(1)(g), F.S., the rules were revised to restrict an applicant from taking more than three Basic Abilities Tests, from a single provider within a 12-month period. To clarify that the Basic Abilities Test shall be administered in Florida. To remove obsolete rule language. To revise the number of years, from two to four years, that a passing Basic Abilities Test is valid.

To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state: Rule 11B-35.009, F.A.C.: Forms CJSTC-76 and CJSTC-76A.

SUBJECT AREA TO BE ADDRESSED: Commission forms; general training programs, requirements and specifications; basic abilities requirements of basic recruit training programs, changes in the basic recruit program curriculum; high-liability proficiency courses for basic recruit and instructor training; student transfers within basic recruit training programs; student performance in basic recruit and instructor high-liability training courses; and advanced and specialized training program courses.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17, 943.17(1), 943.17(1)(a), 943.175, 943.25 FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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: Donna Hunt at (850)410-8615. 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: Donna

Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NOS.:	RULE TITLES:
11C-4.003	Arrest Fingerprint Card Submission
11C-4.006	Final Disposition Reporting

PURPOSE AND EFFECT: Rule 11C-4.003, F.A.C. – updates bureau name change and deletes references to an obsolete manual.

Rule 11C-4.006, F.A.C. – updates procedures for clerk of courts regarding disposition submissions

SUBJECT AREA TO BE ADDRESSED: Fingerprint cards and criminal disposition submission procedures.

SPECIFIC AUTHORITY: 943.03(4), 943.051(2), 943.052, 943.05(2)(d) FS.

LAW IMPLEMENTED: 943.05, 943.051, 943.052 FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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: Petrina Herring at (850)410-7978. 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: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308, (850)410-7978

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DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NOS.:	RULE TITLES:
11C-6.004	Procedures for Requesting Criminal History Records
11C-6.010	Retention of Applicant Fingerprints

PURPOSE AND EFFECT: Rule 11C-6.004, F.A.C. – Updates procedures for electronic submission of fingerprint cards.

Rule 11C-6.010, F.A.C. – Updates procedures for retention of applicant fingerprint information to FDLE.

SUBJECT AREA TO BE ADDRESSED: Criminal history records and new fingerprint procedures.

SPECIFIC AUTHORITY: 943.03(4), 943.053(3), 943.0542, 943.056, 987.407(4), 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 943.053(3), 943.0542, 943.056, 987.407, 1012.32(3), 1012.465, 1012.56 FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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 hours before the workshop/meeting by contacting: Petrina Herring at (850)410-7978. 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: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NOS.:	RULE TITLES:
11C-7.006	Procedures on Court-Ordered Expunctions
11C-7.007	Procedures on Court-Ordered Sealings
11C-7.009	Procedures on Juvenile Diversion Expunctions

PURPOSE AND EFFECT: To update dates, website information and procedures.

SUBJECT AREA TO BE ADDRESSED: Sealing and expunction of criminal history records.

SPECIFIC AUTHORITY: 943.03(4), 943.0582 943.058(2), 943.059 FS.

LAW IMPLEMENTED: 943.03(4), 943.058(2) 943.0585, 943.059 FS.

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

DATE AND TIME: Tuesday, February 8, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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: Petrina Herring at (850)410-7978. 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: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7978

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.:	RULE TITLE:
11C-8.001	Review Procedures

PURPOSE AND EFFECT: Deletes reference to an obsolete manual.

SUBJECT AREA TO BE ADDRESSED: Personal review of criminal history records.

SPECIFIC AUTHORITY: 943.03(4), 943.05(2)(d), 943.056 FS.

LAW IMPLEMENTED: 943.056 FS.

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

TIME AND DATE: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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: Petrina Herring at (850)410-7978. 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: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL, (850)410-7978

DEPARTMENT OF LAW ENFORCEMENT
Division of Local Law Enforcement Assistance

RULE NOS.:	RULE TITLES:
11D-8.002	Definitions
11D-8.003	Approval of Breath Test Methods and Instruments
11D-8.0035	Approval of Alcohol Reference Solution and Sources
11D-8.004	Department Inspection and Registration of Breath Test Instruments
11D-8.006	Agency Inspection of Breath Test Instruments
11D-8.007	Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures
11D-8.0075	Agency Retention of Records
11D-8.008	Breath Test Operator and Agency Inspector
11D-8.011	Approval of Blood Alcohol Test Methods
11D-8.012	Blood Samples – Labeling and Collection
11D-8.013	Blood Alcohol Permit – Analyst
11D-8.014	Blood Alcohol Permit – Analyst: Renewal
11D-8.015	Denial, Revocation, and Suspension of Permits
11D-8.017	Forms

PURPOSE AND EFFECT: To conform and comply with new developments in the field of alcohol testing and with the needs of those affected by these rules.

SUBJECT AREA TO BE ADDRESSED: Florida’s implied consent and alcohol testing program. The program rules govern definitions of terminology; issuance and regulation of alcohol test permits; approval and evaluation of breath and blood alcohol test methods; approval, use and inspection of breath test instruments and records; collection and preservation of blood samples for alcohol testing; training requirements and qualifications for alcohol test permit holders.

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2729 Ft. Knox Boulevard, Building 2, Suite 1200, Conference Room, Tallahassee, FL

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: Sharon S. Traxler at (850)617-1290. 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: Sharon S. Traxler, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, (850)617-1290

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

DEPARTMENT OF LAW ENFORCEMENT
Medical Examiners Commission

RULE NO.:	RULE TITLE:
11G-2.001	Determination of Jurisdiction, Preliminary Procedures

PURPOSE AND EFFECT: To develop procedures for cooperative agreements, associate medical examiner appointment, record keeping duties, and workload reporting duties involving autopsies.

SUBJECT AREA TO BE ADDRESSED: Procedures for cooperative agreements between medical examiner districts, appointment of associate medical examiners, record keeping duties, and workload reporting duties.

SPECIFIC AUTHORITY: 406.04, 406.05, 406.08 FS.

LAW IMPLEMENTED: 406.02, 406.05, 406.08, 406.11, 406.13 FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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 hours before the workshop/meeting by

contacting: Jim Luten at (850)410-8609. 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: Jim Luten, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8609

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

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE NOS.:	RULE TITLES:
11N-1.002	Criteria
11N-1.004	Procedures for Emergency Violent Crime Investigative Funding
11N-1.005	Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding
11N-1.0051	Procedures for Funding Requests for Matching Drug Control Investigative Funding
11N-1.007	Annual Audit
11N-1.009	Victim/Witness Protection Program

PURPOSE AND EFFECT: To clarify and simplify the application process for agencies receiving funding from the Violent Crime and Drug Control Strategy Implementation Account.

SUBJECT AREA TO BE ADDRESSED: Procedures for funding by the Violent Crime and Drug Control Council.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

TIME AND DATE: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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: Joyce Gainous-Harris at (850)410-7096. 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: Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations and Forensic Science Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7096

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

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-13.0074	Willful Negligence and Willful Neglect
12-13.0076	Calculation of Penalty Subject to Compromise for Reasonable Cause

PURPOSE AND EFFECT: The purpose of the creation of Rule 12-13.0074, F.A.C. (Willful Negligence and Willful Neglect), is to incorporate the provisions of the Expert System for Determining Willful Negligence or Willful Neglect. This system is currently under development by the Department for purposes of determining whether a taxpayer's noncompliance was not due to willful negligence or willful neglect based on the facts and circumstances of the specific case. The effect of the proposed amendments, when adopted, will be that the provisions of the Expert System for Determining Willful Negligence or Willful Neglect will be incorporated into the guidelines for determining the amount of compromise of penalty established in this administrative rule.

The purpose of the creation of Rule 12-13.0076, F.A.C. (Calculation of Penalty Subject to Compromise for Reasonable Cause), is to incorporate the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise. This system is currently under development by the Department for purposes of providing guidelines for determining the amount of compromise of penalty. The effect of the proposed amendments, when adopted, will be that the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise will be incorporated into the guidelines for determining the amount of compromise of penalty established in this administrative rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the development of proposed Rules 12-13.0074 and 12-13.0076, F.A.C., for purposes of including the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise and the Expert System for Determining Willful Negligence or Willful Neglect currently under development by the Department.

SPECIFIC AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 213.21(3) FS.

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

DATE AND TIME: February 19, 2008, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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: Larry Green at (850)922-4830. 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: Thomas K. Butscher, Senior Counsel, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT "www.myflorida.com/dor/rules" NO LATER THAN JANUARY 31, 2008.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-401.401
 RULE TITLE: Use of Tobacco Products

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to restrict possession of tobacco products by inmates in special housing statuses.

SUBJECT AREA TO BE ADDRESSED: inmate possession of tobacco products.

SPECIFIC AUTHORITY: 944.09, 944.115 FS.

LAW IMPLEMENTED: 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-401.401 Use of Tobacco Products.

(1) through (5) No change.

(6) Inmates in administrative confinement, disciplinary confinement, close management, and maximum management housing at all institutions shall not be allowed to possess any tobacco products or lighters.

(7) Inmates on death row at Union Correctional Institution shall be limited to purchase of 2 packages of tobacco products (cigarettes or smokeless tobacco) per week, and shall not exceed the possession limit of 2 packages. Inmates on death row at Union Correctional Institution shall not be allowed to possess lighters; lighting devices are available on the recreation yards. Inmates on death row at Florida State Prison shall not be allowed to possess lighted tobacco products or lighters, and shall be limited to purchase of 1 package of smokeless tobacco per week, with a possession limit of 1 package.

~~(8)~~(6) No change.

~~(9)~~(7) No change.

Specific Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS. History--New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended 2-3-00, 10-1-03,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-402.101
 RULE TITLE: Dental Services – General

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide guidelines for the provision of dental services to inmates.

SUBJECT AREA TO BE ADDRESSED: Inmate dental services.

SPECIFIC AUTHORITY: 944.09, 945.6034, 945.6037 FS.

LAW IMPLEMENTED: 466.001, 466.003, 466.017, 466.023, 466.024, 944.09, 945.6034, 945.6037 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-402.101 Dental Services – General.

(1) The Department of Corrections Office of Health Services shall ensure that a comprehensive program of dental services, supervised by a dentist, is available to all inmates

under its jurisdiction. The dental services program shall include emergency dental services, urgent dental services, preventative dental services and routine dental services.

(2) Definitions.

(a) Emergency dental services include treatment for trauma, emergency tooth extractions, severe tooth pain, control of bleeding, and acute infection. Emergency dental services shall be available to inmates 24-hours a day.

(b) Urgent dental services include treatment for chipped teeth, tooth pain, lost crowns or fillings, or broken dentures. All Department of Corrections dental clinics shall hold daily sick call, when a dentist is available, to provide dental access to those inmates who cannot wait for a routine appointment but do not meet the criteria for emergency dental services.

(c) Preventative dental services include oral (mouth) exams and regular oral hygiene. The Department of Corrections shall provide each inmate oral hygiene supplies including a toothbrush and a toothpaste containing fluoride. The inmate shall also be provided education in the use of oral hygiene supplies.

(d) Routine dental services are available by request and include examination, diagnosis, and treatment provided per a written treatment plan. Oral surgery is also available to all inmates, however, oral surgery for purely cosmetic reasons will not be performed. Orthodontics or the treatment of misaligned teeth is excluded from routine services and shall not be provided unless the lack of orthodontic services adversely affects an inmate's health.

(3) All inmates are required to receive an orientation to dental services within seven days of arrival at their assigned institution. The dental orientation shall include:

(a) An explanation of access to dental care, including the hours of emergency, sick-call and routine dental care;

(b) How to request dental care; and

(c) A group oral hygiene presentation.

(4) Each inmate shall receive a dental examination to determine his or her dental needs as soon as possible, but not later than seven days after incarceration at a reception center.

(5) Dental periodic oral examinations shall be done every two years until the inmate is 50 years of age, and annually thereafter.

(a) Only a dentist may perform a dental periodic oral examination.

(b) An inmate in an active treatment program is not required to receive a dental periodic oral examination. Sick call and emergency dental visits are not considered an active treatment program and will not affect the periodic oral examination date.

(c) An inmate may refuse specific dental examinations and treatments. Inmates who refuse dental services will be required to sign Form DC4-711A, Refusal for Health Care Services. Form DC4-711A is incorporated by reference in Rule

33-602.210, F.A.C. By refusing an examination or treatment at a particular time, the inmate does not waive his or her right to subsequent dental care.

(6) Proper oral hygiene shall be reinforced throughout the inmate's dental treatment plan. A complete prophylaxis (cleaning) is included as part of the dental treatment plan. Auxiliaries can be utilized to assist in oral hygiene services in accordance with the State Dental Practice Act, Chapter 466, F.S.

(7) Dental services available to inmates are based upon four levels of dental care.

(a) Level I dental care is available to inmates during the reception process. It includes:

1. An intake dental examination performed by a dentist and the development of a provisional treatment plan.

2. Necessary extractions as determined by the intake dental examination.

3. Emergency dental treatment including treatment of soft tissue disease.

(b) Level II dental care is available to inmates with less than six months of Department of Corrections incarceration time. It includes:

1. All Level I care.

2. Tooth decay control with temporary fillings.

3. Limited cleaning of symptomatic area with emphasis on oral hygiene practices.

4. Complete and partial denture repairs provided the inmate has sufficient Department of Corrections incarceration time remaining on his or her sentence to complete the repair.

5. If an inmate has no upper or lower teeth and requests dentures they are to be placed on the appointment waiting list at their permanent facility. They are not required to wait six months for Level III care.

6. In cases of medical referral inmates are to be scheduled as soon as possible for evaluation for dental care.

(c) Level III dental care is available to inmates with six months or more of continuous Department of Corrections incarceration time. Level III includes:

1. All Levels I and II care.

2. Complete dental examination with X-rays, periodontal (gum) screening and recording, and development of a dental treatment plan.

3. Teeth cleaning, gum examination and oral hygiene instructions.

4. Complete dentures provided the inmate has at least four months of continuous Department of Corrections' incarceration time remaining on his or her sentence.

5. After the inmate has received a complete cleaning he or she is eligible for:

a. Fillings.

b. Partial dentures.

i. Acrylic partial dentures provided the inmate has at least four months of continuous Department of Corrections incarceration time remaining on his or her sentence. Three or more anterior(front)teeth in an arch must be missing before an anterior acrylic partial denture is considered. Acrylic partial dentures will not be made available for purely cosmetic reasons.

ii. Cast partial dentures will be fabricated only when the oral condition precludes the fabrication of acrylic partial dentures.

iii. Each inmate is responsible for the loss, destruction, or mutilation of removable prosthetics. Failure to take responsibility for the removable prosthetics is not justification for replacement at Department of Corrections' expense. In cases where intentional damage or loss is suggested, the incident will be considered the same as willfully damaging state property and will be dealt with in accordance with existing institutional policies.

iv. Only one denture(s) will be provided in a lifetime with one reline provided at no cost. Dentures required more often will be charged to the inmate unless such a requirement is caused by a change in the inmate's dental condition that renders the existing denture(s) non functional.

c. Nonemergency endodontic (root canal) therapy is available to Level III inmates (more than six months of continuous Department of Corrections' incarceration time) when clinically indicated. All teeth receiving endodontic therapy must have adequate support in the surrounding gum tissues and have a good chance of recovery and long term retention. In addition, posterior teeth receiving endodontic therapy must be crucial to arch integrity (no missing teeth in the quadrant or necessary as a partial denture abutment.)

d. Basic nonsurgical periodontal therapy as necessary.

(d) Level IV dental care represents advanced dental services that may be available on a limited basis.

1. This level of dental care is available to inmates on an as-needed basis after completion of Level III services and successful demonstration of a plaque free index score of 90 percent of greater for two consecutive months. If an inmate cannot demonstrate that he or she is following an acceptable oral hygiene program advanced dental therapy will not be considered.

2. Dental care and follow-up to highly specialized procedures such as orthodontics and implants placed before incarceration will be managed on an individual basis after consulting with the Director of Dental Services. The inmate will be responsible for the costs of continuation of care associated with both orthodontics and implants initiated before incarceration.

3. Fixed prosthetics (crowns and bridges) are not to be done except in unusual circumstances and only when an adequate restoration cannot be placed. The inmate will be responsible for the lab charges associated with the replacement of single unit crowns installed prior to incarceration.

(8) Dental Care Requests, Complaints and Formal Grievances.

(a) Inmate requests for dental services shall be submitted on Form DC6-236, Inmate Request or Form DC4-698A, Inmate Sick Call Request, and submitted to the Senior Dentist or his or her designee. Form DC4-698A is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) Inmates wishing to file a complaint or formal grievance shall follow the grievance procedure as described in Rule 33-103.001, F.A.C.

(9) Co-payments for Dental Services.

(a) Inmates must make a co-payment for each nonemergency dental visit as described in Section 945.6037, F.S.

(b) There will be no co-payment for emergency dental services. If an inmate declares a dental emergency that does not meet the dental emergency guidelines, no treatment will be rendered and a co-payment charge will be assessed.

(10) Missed Appointments. Inmates who do not keep their dental appointments shall be rescheduled except for the following:

(a) All inmates having two non-security related no-shows in a row or have a history of no-shows shall be brought to the dental clinic to determine their desire to continue dental care;

(b) All inmates having three non-security related no-shows within a six appointment time span shall be removed from the dental treatment list and will not be rescheduled again for routine or comprehensive dental care unless a written request is submitted for continuation for dental care. The inmate will be placed on the appointment waiting list and will not be given preferential appointments unless the inmate's overall health would be adversely affected with dental treatment by delaying dental treatment.

Specific Authority 944.09, 945.6034, 945.6037 FS. Law Implemented 466.001, 466.003, 466.017, 466.023, 466.024, 944.09, 945.6034, 945.6037 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.800 Close Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify and simplify the Department’s Rules by amending Rules 33-601.800 and .820, F.A.C. to use form DC6-229 “Daily Record of Special Housing,” to document provision of services to inmates in special housing statuses.

SUBJECT AREA TO BE ADDRESSED: Special housing forms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.800 Close Management.

(1) through (5) No change.

(6) Close Management Facilities.

(a) through (d) No change.

(e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (inmate mixes water with soap or shampoo and apply to the floor or himself or herself to hinder cell extraction). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A. Form DC6-229A is incorporated by reference in subsection (19) of this rule.

(f) through (g) No change.

(h) Inmates shall be weighed upon entering close management, at least once a week while in close management, and upon leaving close management. The weight of the inmate shall be documented on Form DC6-229A, ~~Close Management~~ Daily Record of Special Housing Segregation.

(7) through (9) No change.

(10) Conditions and Privileges in CM Units.

(a) Clothing – Inmates in close management shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229A and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or equipment. If an inmate’s clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229A, ~~Close Management~~ Daily Record of Special Housing Segregation. Under no circumstances shall an inmate be left without a means to cover him or herself.

(b) Bedding and linen – Bedding and linen for inmates in close management shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor or the senior correctional officer must approve the action initially. Such exceptions shall be documented on Form DC6-229A and the chief of security shall make the final decision in regard to action no later than the next working day following the action.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is a indication of a security problem. Close management inmates at all levels shall be allowed to possess a “walkman” type radio with approved headphones as is allowed for general population inmates. Exceptions or removal of any item will be documented on the Form DC6-229A. An Inmate Impounded Personal Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate’s property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding or personal property are removed in order to prevent the inmate from inflicting injury to him or herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours

thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.

(d) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A, which must be reviewed by the chief of security. When any personal property is removed, an Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

(e) No change.

(f) Diet and Meals – All inmates in close management shall receive normal institutional meals as are available to the general inmate population except that if any item on the regular menu might create a security problem in the close management area, then another item of comparable quality shall be substituted. An alternative meal (special management meal) may be provided for any inmate in close management who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A.

(g) through (k) No change.

(l) Reading materials – Reading materials, including scriptural or devotional materials and books that are in compliance with admissibility requirements, are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials will be documented on Form DC6-229A, ~~Close Management~~ Daily Record of Special Housing Segregation. If items are removed in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or

equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the close management officer shall provide the inmate with an in-cell exercise guide and document such on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A. However, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229A. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) No change.

(11) No change.

(12) Suspension of Privileges. The ICT shall suspend an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of privileges will be documented on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A. Privileges suspended by the ICT in excess of 30 days will require the review and approval of the SCO.

(13) through (14) No change.

(15) Contact by Staff. The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (19) of this rule. The staff member shall also document his or her visit on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A, if there is any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) through (i) No change.

(16) Review of Close Management.

(a) No change.

(b) All services provided by any mental health or program staff member shall be recorded on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A, which shall be kept in the CM unit.

(c) through (g) No change.

(17) Close Management Records.

(a) A Report of Close Management, Form DC6-233C, shall be kept for each inmate placed in close management.

(b) A ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A, shall be maintained for each inmate as long as he is in close management. Form DC6-229A shall be utilized to document any activities, including cell searches, items removed, showers, outdoor exercise, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229A and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. Staff shall re-assess the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The close management unit officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229A shall be maintained in the housing area for 30 days. After each 30 day review of the inmate by a member of the ICT, Form DC6-229A shall be forwarded to classification to be filed in the institutional inmate record.

(c) A Daily Record of Special Housing Segregation – Supplemental, Form DC6-229B, shall be completed and attached to the current Form DC6-229A whenever additional written documentation is required concerning an event or incident related to the specific inmate.

(d) through (e) No change.

(18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (d) No change.

(e) Form DC6-229, Daily Record of Special Housing Segregation, effective date 12-16-01.

~~(f) Form DC6-229A, Close Management Daily Record of Segregation, effective date 4-9-06.~~

~~(f)(g) Form DC6-229B, Daily Record of Special Housing Segregation – Supplemental, effective date 4-8-04.~~

(h) through (l) renumbered (g) through (k) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.820
 RULE TITLE: Maximum Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify and simplify the Department's Rules by amending Rules 33-601.800 and .820, F.A.C., to use form DC6-229 "Daily Record of Special Housing," to document provision of services to inmates in special housing statuses.

SUBJECT AREA TO BE ADDRESSED: Special housing forms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.820 Maximum Management.

(1) through (3) No change.

(4) Conditions of Placement in Maximum Management. Inmates shall be subject to the following conditions upon initial placement in maximum management:

(a) The inmate shall be provided clothing and bedding. If the inmate's behavior requires, the Shift Supervisor may authorize the removal of clothing or bedding or that the solid door be closed for security reasons either upon initial placement or at any time during maximum management status. The Shift Supervisor shall notify the Warden. If in agreement with the action, the Warden shall notify the Regional Director. If the Regional Director agrees with the action, the Deputy Assistant Secretary of Institutions – Operations will be contacted for final approval no later than the first work day following the Shift Supervisor's action. If an inmate's clothing is removed, a modesty garment shall be immediately given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229A, ~~CM~~ Daily Record of Special Housing Segregation. Form DC6-229A is incorporated by reference in Rule 33-601.800, F.A.C. Under no circumstances shall an inmate be left without a means to cover him or herself.

(b) through (g) No change.

(5) Initial Placement Hearing and Decision Process.

(a) through (j) No change.

(k) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229A, ~~CM~~ Daily Record of Special Housing Segregation, is documented with any status or condition changes approved by the Maximum Management Review Team. The Classification Supervisor shall also ensure that the inmate is informed verbally and in writing of the Maximum Management Review Team's decision. Form DC6-229A is incorporated by reference in Rule 33-601.800, F.A.C.

(l) through (m) No change.

(6) Review of Maximum Management Status and Conditions.

(a) The Institutional Classification Team shall review the inmate's maximum management status, the conditions set forth in subsection (4) above, and previously modified conditions, weekly for the first sixty days from the date of placement, and at least monthly thereafter.

1. Weekly reviews by the Institutional Classification Team during the first sixty days of maximum management status and monthly thereafter shall be documented on Form DC6-229A, ~~CM~~ Daily Record of Special Housing Segregation.

2. through 3. No change.

(b) through (e) No change.

(f) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229A, ~~CM~~ Daily Record of Special Housing Segregation, is documented with any status or condition changes approved by the Regional Director or Deputy Assistant Secretary of Institutions – Operations.

(g) through (h) No change.

(7) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06, 10-30-06_____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-21.631	Water Shortage, Phase II
40B-21.641	Water Shortage, Phase III

PURPOSE AND EFFECT: The purpose of the rule development is to update these sections of Chapter 40B-21, Florida Administrative Code, to provide an exemption from water shortage restrictions for high pressure/high volume irrigation systems that have been certified within the past two years to be as efficient as practicable. The effect of the rule development will be to amend the rule language to allow for certification within five years prior to the effective date of a water shortage order.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will provide an exemption from water shortage restrictions for high pressure/high volume irrigation systems that have been certified within the past two years to be as efficient as practicable.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.175, 373.246 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-2.091	Publications Incorporated by Reference

PURPOSE AND EFFECT: To amend the rules to address water availability within the Lake Okeechobee Service Area.

SUBJECT AREA TO BE ADDRESSED: Basis of Review for Water Use Permit Applications Within the South Florida Water Management District.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
 LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

DATE AND TIME: February 4, 2008, 1:00 p.m. (NOTE: This rule development workshop is combined with the Issues Workshop of the South Florida Water Management District's Water Resources Advisory Commission)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. 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: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6817 or (561)682-6817, email: sburns@sfwmd.gov or Beth Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P.O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-8.011	Purpose and General Provisions
40E-8.021	Definitions
40E-8.221	Minimum Flows and Levels: Surface Waters
40E-8.231	Minimum Levels: Aquifers
40E-8.321	Minimum Flows and Levels: Surface Waters
40E-8.331	Minimum Levels: Aquifers

40E-8.341 Minimum Flows and Levels: Surface Waters for Upper East Coast Regional Planning Area

40E-8.351 Minimum Levels: Surface Waters for Kissimmee Basin Regional Planning Area

40E-8.421 Prevention and Recovery Strategies

40E-8.431 Consumptive Use Permits

40E-8.441 Water Shortage Plan Implementation

PURPOSE AND EFFECT: To amend the rules to address water availability within the Lake Okeechobee Service Area.

SUBJECT AREA TO BE ADDRESSED: Minimum flows and levels recovery plan.

SPECIFIC AUTHORITY: 373.042, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

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

DATE AND TIME: February 4, 2008, 1:00 p.m. (NOTE: This rule development workshop is combined with the Issues Workshop of the South Florida Water Management District's Water Resources Advisory Commission)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: Rick Smith, WRAC Facilitator, (800)432-2045, ext. 6517 or (561)682-6517, email: rismith@sfwmd.gov. 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: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-6817, (561)682-6817, email: sburns@sfwmd.gov or Elizabeth Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-20.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: To amend the rules to address water availability within the Lake Okeechobee Service Area.

SUBJECT AREA TO BE ADDRESSED: Basis of Review for Water Use Permit Applications Within the South Florida Water Management District.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

DATE AND TIME: February 4, 2008, 1:00 p.m. (NOTE: This rule development workshop is combined with the Issues Workshop of the South Florida Water Management District's Water Resources Advisory Commission)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. 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: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6817 or (561)682-6817, email: sburns@sfwmd.gov or Beth Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-12.001
 RULE TITLE: Grounds for Disciplinary Proceedings

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Grounds for Disciplinary Proceedings.

SPECIFIC AUTHORITY: 455.304, 481.2055 FS.

LAW IMPLEMENTED: 455.303, 455.304, 481.219, 481.225, 481.2251 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-4.019
 RULE TITLE: General Definitions

PURPOSE AND EFFECT: The purpose and effect is to add a definition for "call verification methods."

SUBJECT AREA TO BE ADDRESSED: General Definitions.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.521(7)(b), 489.529 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-4.019 General Definitions.

The following words, terms and phrases are used in Chapter 489, Part II, F.S., shall mean the following:

(1) Call Verification Methods – The term “call verification methods” is the process of monitoring facility personnel making two or more attempts to make contact prior to dispatch, by means of telephone or audio conversation, with an authorized pass code holder or other authorized person for the protected premises to verify that no emergency exists.

(2) Other Advertising Media – The term “other advertising media” shall apply to business proposals, bill of sales, contracts, business cards, construction site signs, all newspapers, airwave transmission, phone directory, handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, internet websites, manufacturer’s “authorized dealer” listings, and signs on vehicles. They shall not apply to business stationery, balloons, pencils, pens, hats, articles of clothing, or other promotional novelties. Neither shall the terms apply to free phone directory listings (regardless of page color) of one, two, or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole or in part in an unbolded or unhighlighted print and without further textual or pictorial elaboration or touting in its overall display.

Specific Authority 489.507(3) FS. Law Implemented 489.521(7)(b), 489.529 FS. History–New 8-23-89, Amended 7-3-91, Formerly 21GG-4.019, Amended 12-24-97, 5-13-03,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-2.0144	Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language to bring the rule into compliance with the 2006 legislative change.

SUBJECT AREA TO BE ADDRESSED: Licensure requirements for dental hygiene applicants from unaccredited dental schools or colleges.

SPECIFIC AUTHORITY: 456.067, 466.004, 466.007 FS.

LAW IMPLEMENTED: 466.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.:	RULE TITLES:
64B9-4.002	Requirements for Certification
64B9-4.015	Approved Certification Bodies for Certified Nurse Specialists

PURPOSE AND EFFECT: For Rule 64B9-4.002, F.A.C., the Board proposes to add another approved certification body for certified nurse specialists. For Rule 64B9-4.015, F.A.C., the Board proposes to add another approved certification body for advanced registered nurse practitioners and to clarify that the certification requirements include a current national certification.

SUBJECT AREA TO BE ADDRESSED: Requirements for Certification; Approved Certification Bodies for Certified Nurse Specialists.

SPECIFIC AUTHORITY: 456.048, 464.006, 464.0115, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.0115, 464.012, 464.018(1)(b), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-4.002 Requirements for Certification.

(1) No change.

(2) Applicant shall submit proof of national advanced practice certification from an approved nursing specialty board. After July 1, 2006, applications for certification as an

Advanced Registered Nurse Practitioner pursuant to Section 464.012(3), F.S., shall submit proof of current national advanced practice certification from an approved nursing specialty board.

(3) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:

(a) through (e) No change.

(f) National Board for Certification of Hospice and Palliative Nurses.

(4) through (5) No change.

Specific Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06,_____.

64B9-4.015 Approved Certification Bodies for Certified Nurse Specialists.

The following nationally recognized certifying bodies are approved to meet the licensure requirements of Section 464.0115(1), F.S.:

(1) through (3) No change.

(4) National Board for Certification of Hospice and Palliative Nurses.

Specific Authority 464.0115 FS. Law Implemented 464.0115 FS. History—New 11-22-07, Amended_____.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:

64B12-10.0035 Licenses

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt a new rule with regarding disclosure of licensure status.

SUBJECT AREA TO BE ADDRESSED: Licenses.

SPECIFIC AUTHORITY: 456.072(1)(t), 484.005, 484.007 FS.

LAW IMPLEMENTED: 456.072 (1)(t), 484.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-11.001 Application for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language concerning the date of the administration of the PMLexis Examination.

SUBJECT AREA TO BE ADDRESSED: Application for licensure.

SPECIFIC AUTHORITY: 456.033(6), 461.005 FS.

LAW IMPLEMENTED: 456.017(1)(c), 456.033, 461.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-11.001 Application for Licensure.

An application file for licensure is not complete unless and until it contains verification of a passing score from examination of the National Board of Podiatric Medical Examiners, including Part I, Part II, and the PMLexis Examination ~~administered after August of 1996~~. Such verification must be received by the Board office directly from the provider of the National Board of Podiatric Medical Examiners examination.

Specific Authority 456.033(6), 461.005 FS. Law Implemented 456.017(1)(c), 456.033, 461.006 FS. History—New 1-29-80, Amended 12-9-82, Formerly 21T-11.01, Amended 10-14-86, 1-26-88, 6-20-88, 7-3-89, 6-24-92, Formerly 21T-11.001, Amended 7-6-94, Formerly 61F12-11.001, Amended 1-1-96, 7-15-96, Formerly 59Z-11.001, Amended 9-3-98, 2-8-00,_____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-14.001 Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.

SPECIFIC AUTHORITY: 461.0004(4), 461.005 FS.

LAW IMPLEMENTED: 456.073(4), 461.004(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-14.011 RULE TITLE: Mediation

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language concerning updating profiling requirements.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 456.078, 461.005 FS.

LAW IMPLEMENTED: 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-14.011 Mediation.

The Board of Podiatric Medicine has determined that the following violations are defined as mediation offenses:

- (1) Failure to supply copies of patient records in a timely manner when requested by a patient or a patient’s representative;
- (2) Failure to post the patient’s bill of rights as required by Sections 381.026 and 381.0261, F.S.;
- ~~(3) Failure to update profiling requirements on a timely basis; and~~
- ~~(3)(4) Failure to provide proof of proper financial responsibility.~~

Specific Authority 456.078, 461.005 FS. Law Implemented 456.078 FS. History—New 3-26-95, Amended 6-17-97, Formerly 59Z-14.011, Amended 8-24-00, 7-26-04, _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-24.001 RULE TITLE: Initial Certification for Podiatric X-Ray Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning certification for podiatric x-ray assistants.

SUBJECT AREA TO BE ADDRESSED: Initial Licensure for Podiatric X-Ray Assistants.

SPECIFIC AUTHORITY: 461.005, 461.0135 FS.

LAW IMPLEMENTED: 120.52(9), 456.013(2), 456.025(1), 456.064, 461.003(2), 461.0135 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-24.001 Initial Certification ~~Licensure~~ for Podiatric X-Ray Assistants.

~~(1) Each applicant for initial certification licensure as a certified podiatric x-ray assistant shall submit an certification application, on form DH-MQA 1026, 4/99, entitled, “Application For Certified Podiatric X-Ray Assistant,” which is hereby incorporated by reference and will be effective February 16, 2000, copies of which may be obtained from the Board office of Podiatric Medicine’s website <http://www.doh.state.fl.us/mqa/podiatry/index.html> and shall include: applicants shall pay a licensure certification fee of \$75.~~

~~(a) A certification fee of \$75.00; and~~

~~(b) The name(s) of the applicant’s supervising Florida licensed podiatric physician(s).~~

~~(2) Any change of supervisor must be reported by the applicant/certified podiatric x-ray assistant to the Board within 30 days of the change on form DH-MQA, 10/2007, entitled, “Update Supervisor for Certified Podiatric X-ray Assistant,” which is hereby incorporated by reference and will be effective _____, and can be obtained from the Board of Podiatric Medicine’s website <http://www.doh.state.fl.us/mqa/podiatry/index.html>.~~

~~(3) The Board shall verify successful passage of the course and examination required by Section 461.0135, F.S., prior to issuance of the certified podiatric x-ray assistant certification.~~

Specific Authority 461.005, 461.0135 FS. Law Implemented 120.52(9), 456.013(2), 456.025(1), 456.064, 461.003(2), 461.0135 FS. History—New 2-16-00, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
 65A-1.205 Eligibility Determination Process
 PURPOSE AND EFFECT: The proposed rule amendment clarifies the Department's eligibility processing procedures applicable to all public assistance programs. It also removes reference to the Relative Caregiver Program (RCP) as the provision has been moved to Administrative Rule 65A-4.208, F.A.C., since it is only pertinent to individuals who meet Temporary Cash Assistance (TCA) eligibility factors.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides for the use of a paper or electronic/web based application to apply for public assistance. It also provides clarification on the Department's eligibility determination process and removes reference to the RCP.
 SPECIFIC AUTHORITY: 409.919, 414.45 FS.
 LAW IMPLEMENTED: 409.903, 409.904, 409.919, 410.033, 414.045, 414.095, 414.31 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: February 4, 2008, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Room 413, Tallahassee, Florida 32399-0700, telephone (850)410-3291
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:
 69A-58.004 Firesafety Inspections
 69A-58.0081 Means of Egress
 69A-58.0082 Relocatable Buildings
 PURPOSE AND EFFECT: These rules were either amended or new on November 26, 2006. The Department received comments to the proposed rules after the expiration of the comment period.
 SUBJECT AREA TO BE ADDRESSED: Firesafety inspections in public schools.

SPECIFIC AUTHORITY: 1013.12; 633.022 FS.
 LAW IMPLEMENTED: 1013.12; 633.022 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: February 8, 2008, 10:00 a.m.
 PLACE: Third Floor Conference Room at the Atrium Building, 325 John Knox Road, Tallahassee, FL 32303
 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 hours before the workshop/meeting by contacting: Belinda Chukes. 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: Lesley Mendelson (850)413-3604
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
 69K-1.002 Fingerprint Requirement and Waiver
 PURPOSE AND EFFECT: Each applicant and entity seeking a license pursuant to Sections 497.263, 497.264, 497.281, 497.368, 497.369, 497.370, 497.373, 497.374, 497.380, 497.385, 497.453, 497.466, 497.550, 497.554, 497.602, 497.604, and 497.606, F.S., is required to submit fingerprints to the Department for a criminal history report. Section 497.142(12), F.S., authorizes the Department to adopt rules that establish forms, procedures, and fees for the submission and processing of fingerprints required to be submitted pursuant to Chapter 497, F.S. That section also authorizes the Department to waive the fingerprint submission requirement if the person has within the preceding 24 months submitted fingerprints to the Department and the Department obtained a criminal history report using those prior fingerprints.
 SUBJECT AREA TO BE ADDRESSED: Submission of fingerprints for licensure under Chapter 497, F.S.
 SPECIFIC AUTHORITY: 497.103(5)(b), 497.141, 497.142(12) FS.
 LAW IMPLEMENTED: 497.141, 497.142, 497.263, 497.264, 497.281, 497.368, 497.369, 497.370, 497.373, 497.374, 497.380, 497.385, 497.453, 497.466, 497.550, 497.554, 497.602, 497.604, 497.606 FS.

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

DATE AND TIME: Monday, February 4, 2008, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida

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: Diana Marr, (850)413-3039. 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 IS: Diana Marr, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-1.002 Fingerprint Requirement and Waiver.

(1) Each person and entity applying for a license under Chapter 497, F.S., shall submit fingerprints to the Department for a criminal history report as part of the license application process as follows:

(a) Where the applicant is a natural person, the fingerprints of the natural person making application:

(b) Where the applicant is a corporation, the fingerprints of the persons serving in the following capacities: chief executive officer and president, or both persons if the positions are filled by different persons; chief financial officer; chief of operations; general counsel if a corporation employee; and members of the board;

(c) Where the applicant is a limited liability company, the fingerprints of all managers and members of the limited liability company;

(d) Where the applicant is a partnership, the fingerprints of all partners.

(2) Persons and entities already licensed under Chapter 497, F.S., as of 10-1-05 are not required to submit their fingerprints to renew or retain their existing licenses. However, if such person or entity applies for an additional license under Chapter 497, F.S., such person or entity shall be required to submit their fingerprints to the Department.

(3) Applicants are exempt from submitting fingerprints if, within two years preceding their new application, they had previously submitted their fingerprints to the Department of

Financial Services in relation to some other type of license application, and the Department obtained a criminal history report utilizing those prior fingerprints.

(4) Fingerprints may be submitted to the Department either in an electronic format or by using a paper fingerprint card.

(5) Information about submitting electronic fingerprints is on the Department's website: <http://myfloridacfo.com/FuneralCemetery/>.

(6)(a) The Department uses the fingerprint cards of the United States Department of Justice, Federal Bureau of Investigation, Form No. FD-258 (rev. 5-11-99), which is incorporated by reference in Rule 69K-1.001, F.A.C. Applicants shall obtain this fingerprint card form from the Department with a pre-stamped ORI number to ensure that fingerprint results are sent to the correct agency. Fingerprint cards shall be obtained from the Department prior to submitting an application by calling (850)413-3039.

(b) The fingerprints shall be taken by a certified law enforcement officer, as defined in Chapter 943, F.S., or by an employee of a law enforcement agency whose duty it is to perform fingerprint services for the public.

(c) The completed fingerprint cards shall be mailed to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, accompanied by a nonrefundable processing fee.

Specific Authority 497.103(5)(b), 497.141, 497.142(12) FS. Law Implemented 497.141, 497.142, 497.263, 497.264, 497.281, 497.368, 497.369, 497.370, 497.373, 497.374, 497.380, 497.385, 497.453, 497.466, 497.550, 497.554, 497.602, 497.604, 497.606 FS. History—New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.:	RULE TITLE:
69L-7.501	Florida Workers' Compensation Reimbursement Manual for Hospitals

PURPOSE AND EFFECT: The purpose of the workshop is to assist the Department of Financial Services (Department) and the Three-Member Panel in determining appropriate usual and customary charges for hospital outpatient care provided by Florida hospitals for inclusion in the Florida Workers' Compensation Reimbursement Manual for Hospitals, adopted through Rule 69L-7.501, Florida Administrative Code. The Department will take testimony at the workshop regarding the "Recommendations for Determining Customary Charges for Florida Outpatient Hospital Services to Workers' Compensation Patients", a report prepared for the Department that can be accessed at www.myfloridacfo.com/wc/. The report will be listed under the "News" section of the Division of Workers' Compensation's homepage. The Department solicits comments to be made at the workshop by interested parties

regarding any additional methodologies for determining appropriate usual and customary charges for hospital outpatient care provided by Florida hospitals. In addition, the purpose of the workshop is to assist the Department and the Three-Member Panel in determining maximum reimbursement allowances for inpatient hospital care based on a schedule of per diem rates, excluding a stop-loss provision, for inclusion in the Florida Workers' Compensation Reimbursement Manual for Hospitals, adopted through Rule 69L-7.501, F.A.C. Florida Administrative Code. The Department will take testimony regarding the following per diem reimbursement methodologies: a straight per diem rate, in that the hospital is reimbursed a set amount for each day the patient remains in the hospital; per diem by service type, where the per diem rate varies based upon the type of clinical service provided; and a per diem rate indexed to length of stay, where the per diem rate is based on the patient's length of stay. The Department solicits comments to be made at the workshop by interested parties regarding any additional methodologies for determining appropriate maximum reimbursement allowances for inpatient hospital care based on a schedule of per diem rates, excluding a stop-loss provision. The effect of the workshop is to lead to development of revised reimbursements for hospital inpatient and outpatient care for inclusion in the Florida Workers' Compensation Reimbursement Manual for Hospitals.

SUBJECT AREA TO BE ADDRESSED: Reimbursements to hospitals for care provided to workers' compensation patients pursuant to the Florida Workers' Compensation Reimbursement Manual for Hospitals.

SPECIFIC AUTHORITY: 440.13(14), 440.591 FS.

LAW IMPLEMENTED: 440.13(7), (12), (14) FS.

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

DATE AND TIME: Thursday, February 14, 2008, 9:30 a.m. – 12:00 p.m.

PLACE: 104J Hartman Bldg., 2012 Capital Circle Southeast, Tallahassee, Florida

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: Andrew Sabolic. 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: Andrew Sabolic, Assistant Director, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-149.0025	Definitions
69O-149.006	Actuarial Memorandum

PURPOSE AND EFFECT: To answer questions on health rate filings.

SUBJECT AREA TO BE ADDRESSED: Rate Filing Procedures.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 627.410 FS.

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

DATE AND TIME: January 31, 2008, 10:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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: Gerry Smith, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com. 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: Gerry Smith, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

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 EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.0014	Comprehensive Management Information System

PURPOSE AND EFFECT: The purpose of the amendment is to incorporate revisions to selected data elements, procedures and timelines for state reporting, local recordkeeping, and statewide records transfer which are to be implemented by each school district and the Department of Education within

the automated statewide comprehensive management information system. This amendment will ensure compatibility among state and local information system components.

SUMMARY: The purpose of this amendment is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The rule contains the security, privacy and retention procedures to be used by the Department of Education for school district, student, staff and finance records collected and maintained at the state level.

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

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.

SPECIFIC AUTHORITY: 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1001.23, 1002.22(3)(d)3., 1008.385(2) FS.

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

DATE AND TIME: February 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laven Dukes, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I – Automated Student Information System, 2007 ~~2006~~," "DOE Information Data Base Requirements: Volume II – Automated Staff Information System, 2007 ~~2006~~," and "DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995." These publications which include the Department procedures for the security, privacy and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these

publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, ~~at a cost to be established by the Commissioner not to exceed actual cost.~~

Specific Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History—New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-3-96, 5-20-97, 10-13-98, 10-18-99, 10-17-00, 5-19-03, 7-20-04, 4-21-05, 3-1-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laven Dukes, Education Information and Accountability Services Section

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer, Deputy Commissioner, Assessment, Research, and Measurement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.0451	Florida Education Finance Program Student Membership Surveys

PURPOSE AND EFFECT: The purpose of the rule amendment is to revise the schedule for district submission of amendments to student membership survey data via the statewide comprehensive management information system in order to allow data values to be finalized in a more timely manner. The effect is to establish firm calendared deadlines for amendments, and allow for final reporting of Florida Education Finance Program Student Membership Survey data in a shorter time period. Additionally, former subsection (8) requiring all students in a course to be eligible exceptional students in order for the student to be reported in a special program cost factor has been deleted as this requirement became obsolete with the implementation of the matrix of services authorized in Section 1011.62(1)(c), Florida Statutes. The effect of the amendments will be consistency between rule and governing statutes.

SUMMARY: This rule provides for uniform dates for completing and reporting full-time equivalent student membership surveys in each school district for the Florida Education Finance Program. The language includes uniform dates for each survey and instructions for reporting the data to the Department. The amendment revises the timelines for districts to finalize the data for each survey period and removes obsolete language.

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

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.

SPECIFIC AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 1011.61, 1011.62(1), 1011.68 FS.

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

DATE AND TIME: February 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth Jones, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0451 Florida Education Finance Program Student Membership Surveys.

(1) through (3) No change.

(4) During the year, at least four (4) full-time equivalent student membership surveys shall be conducted under the administrative direction of and on a schedule provided by the Commissioner. The second period and the third period full-time equivalent student membership survey for students in a program scheduled for one hundred eighty (180) school days shall each be equal to ninety, one hundred eightieths (90/180) of the school year. Students in a program scheduled for less than one hundred eighty (180) school days in any full-time equivalent student membership survey shall be a fraction of a full-time equivalent member as provided in Section 1011.61(1) 236.013(2)(e)2, Florida Statutes. The four (4) survey periods, insofar as practicable, shall be scheduled to take the extended school year, staggered school year, and other variations of the regular one hundred eighty (180) day school year into consideration. School districts may submit amendments to student membership survey data in accordance with the following schedule: Survey Period 1 (July) may not be amended after September 30 following the survey; Survey Period 2 (October) may not be amended after March 31 following the survey; Survey Period 3 (February) may not be amended after July 31 following the survey; Survey Period 4 (June) may not be amended after August 31 following the survey for a period of nine (9) months from the due date of the membership survey being amended, or until a membership survey audit as required by Rule 6A-1.0453, F.A.C., has been completed, whichever shall take place first. Such amendments which are submitted too late to be reviewed and included in the last membership data determining the earnings of Florida education finance program funds for the given year shall be treated as prior year adjustments.

(5) For purposes of transportation, ~~physically handicapped~~ students with disabilities under Section 1011.68(5) 236.083, Florida Statutes, shall be those students defined by Rule 6A-6.0301, F.A.C., as trainable or profoundly handicapped, hearing impaired, visually impaired or physically impaired who have been appropriately identified under the district procedures for providing special education for exceptional students.

(6) When passengers other than public school students in membership, grades K-12 and exceptional, are transported on a school bus at the same time public school students are transported to or from school, the bus route mileage required to transport students as authorized in Section 1011.68(2) 236.083(2), Florida Statutes, shall be computed as follows:

(a) If the number of passengers other than public school students in membership, grades K-12 and exceptional, transported on a bus route exceeds five (5) percent of the manufacturer's rated seating capacity of the bus, the loaded bus route miles for that trip shall be adjusted by the percentage of passengers that are not public school students in membership, grades K-12 and exceptional.

(b) Bus miles traveled over a side route to load or unload passengers other than public school students in membership, grades K-12 and exceptional, and miles traveled transporting exclusively other passengers shall not be reported to or counted by the Department for the purpose of FEFP transportation funding.

(7) For students in all special programs, a student's full-time equivalent membership shall be reported in the respective special program cost factor prescribed in Section 1011.62(1)(c) 236.081(1)(e), Florida Statutes, when the student is eligible and is attending a class, course, or program which has met all of the criteria for the special program cost factor. In addition, when reporting program membership, each student shall be reported in the same special program category as reported in the full-time equivalent membership survey.

~~(8) For a student to be reported for a special program cost factor for exceptional students, all students in membership and attending an exceptional student class, course or program shall be eligible exceptional students as defined in Rule 6A-6.0301, F.A.C.~~

~~(8)(9) ESE 135, Department of Juvenile Justice FTE School Funding Certification is; ESE 233, FEFP Transportation Survey; ESE 693, School Funding Certification Supplemental FTE Information; ESE 909, Automated Format for FTE Membership Survey; EJE 059, School Funding Certification, Adult FTE Information; and ELS 329, School Funding Certification, Supplemental FTE Information, effective October 1994, are hereby incorporated by reference and made a part of this rule. This These forms may be obtained from the Bureau of School Business Services, Office of~~

Funding and Financial Reporting, Division of Public Schools, The Florida Education Center, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 1001.02(1) 229.053(1) FS. Law Implemented 1011.61, 1011.62(1), 1011.68 236.013(2), (3), (4), (5), (6), (7), 236.081(1), 236.083(1), (2) FS. History—New 4-19-74, Amended 10-31-74, Repromulgated 12-5-74, Amended 6-1-75, 1-29-76, 4-12-78, 8-2-79, 2-4-81, 7-28-81, 4-27-82, 7-13-83, 7-10-85, Formerly 6A-1.451, Amended 3-12-86, 9-30-87, 10-31-88, 12-5-90, 10-26-94, 12-15-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ruth Jones, Education Information and Accountability Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer, Deputy Commissioner, Accountability, Research, and Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.09401 Student Performance Standards

PURPOSE AND EFFECT: The purpose of the rule amendment is to amend the standards relating to science to align with current benchmarks and grade levels. The effect is consistency within standards, benchmarks, and grade levels.

SUMMARY: The rule is amended to provide consistency within current benchmarks and grade levels.

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

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.

SPECIFIC AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 FS.

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

DATE AND TIME: February 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Director, Office of Mathematics and Science, Department of Education, 325 West Gaines Street, Tallahassee, Florida; (850)245-0834

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09401 Student Performance Standards.

(1) Standards to benchmark student achievement serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. Beginning with the 2007-2008 school year, the reading and language arts benchmarked standards for reading and language arts referenced below in paragraph (1)(a), describe what students should know and be able to do at grade level progression. Beginning with the 2008-2009 school year, the mathematics and science benchmarked standards for mathematics and science referenced below in paragraphs (1)(b) and (c), describe what students should know and be able to do at grade level progression from kindergarten to grade 8 and for each of the mathematics content areas of: algebra, calculus, discrete mathematics, financial literacy, geometry, probability, statistics, and trigonometry, and each of the science content areas of: earth and space science, life science, physical science, and nature of science for grades 9-12. The benchmarked standards in paragraphs (1)(d)(b)-(g) of this rule describe what students should know and be able to do at four progression levels (grades Pre-K-2, 3-5, 6-8, 9-12) in the subjects of the arts, health/physical education, foreign languages, ~~mathematics, science,~~ and social studies. Sunshine State Standards for Special Diploma as incorporated by reference in paragraph (1)(h) of this rule describe what certain students with a disability should be able to do at three (3) proficiency levels (independent, supported, and participatory). Public schools shall provide appropriate instruction to assist students in the achievement of these standards. These standards and benchmarks are contained in the following publications and are hereby incorporated by reference and made a part of this rule.

- (a) Sunshine State Standards – Reading and Language Arts, July 2007,
- (b) Sunshine State Standards – Mathematics, 2007,
- (c) Sunshine State Standards – Science, ~~2008~~ 1996,
- (d) Sunshine State Standards – Social Studies, 1996,
- (e) Sunshine State Standards – Foreign Languages, 1996,
- (f) Sunshine State Standards – The Arts, 1996, and
- (g) Sunshine State Standards – Health/Physical Education, 1996, and
- (h) Sunshine State Standards for Special Diploma, 1999.

Copies of these publications may be obtained from the Division of Public Schools, Department of Education, 325 West Gaines St., Tallahassee, Florida 32399-0400.

(2) Each district school board shall incorporate the Sunshine State Standards contained herein into the district Pupil Progression Plan.

(3) The Sunshine State Standards shall serve as the basis for statewide assessments.

Specific Authority 1001.02 FS. Law Implemented 1001.03 FS. History—New 6-18-96, Amended 9-28-99, 3-1-07, 7-25-07, 11-25-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mary Jane Tappen, Executive Director, Office of Mathematics and Science, Department of Education
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Jane Tappen, Executive Director, Office of Mathematics and Science, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09412 RULE TITLE: Course Requirements – Grades 6-12 Basic and Adult Secondary Programs

PURPOSE AND EFFECT: The purpose of this rule amendment is to approve course descriptions for math courses which have been updated to reflect the action taken by the State Board of Education when adopting the new mathematics Sunshine State Standards in 2007. In addition, courses are added in Language Arts, Humanities, Science (marine, environmental management, food studies), physical education, social studies, and fine arts as options for those schools which offer the Advanced International Certificate of Education Diploma. The effect is the adoption of updated course descriptions.

SUMMARY: The 2008 Supplement to the 2007-2008 Florida Course Descriptions for Grades 6-12/Adult, Basic Education includes updated mathematics course descriptions and additional courses for those schools electing to offer the Advanced International Certificate of Education Diploma.

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

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.

SPECIFIC AUTHORITY: 1001.03(1), 1011.62(1)(r) FS.
 LAW IMPLEMENTED: 1001.42(7), 1003.42, 1011.62(1)(r), FS.

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

DATE AND TIME: February 19, 2008, 8:30 a.m.
 PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Heather Sherry, Director of K-20 Articulation, Department of Education, 325 West Gaines Street, Suite 1401, Tallahassee, Florida 32399; (850)245-0427

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09412 Course Requirements – Grades 6-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the “Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, F.A.C. Course requirements approved by the State Board of Education are contained in the publications “2007-2008 Florida Course Descriptions for Grades 6-12/Adult, Basic Education, and 2008 Supplement to the 2007-2008 Florida Course Descriptions for Grades 6-12/Adult, Basic Education” which are ~~is~~ hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description. Copies of approved course descriptions may be obtained from K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 1001.03(1), 1011.62(1)(r) FS. Law Implemented 1001.42(7), 1003.42, 1011.62(1)(r) FS. History–New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, 5-3-01, 10-15-01, 12-17-02, 7-26-05, 11-21-05, 7-27-06, 1-18-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith Sheets, Jr., Office of K-20 Articulation, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Heather Sherry, Director, Office of K-20 Articulation, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09441 RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the 2008-2009 Course Code Directory and Instructional Personnel Assignments to include new and updated courses. The effect is the inclusion in the Course Code Directory courses for which students may receive credit toward high school graduation.

SUMMARY: The Course Code Directory and Instructional Personnel Assignments is updated to include new courses which students may apply toward high school graduation.

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

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.

SPECIFIC AUTHORITY: 1001.02(1), 1009.53(3), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) FS.

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

DATE AND TIME: February 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Heather Sherry, Director of K-20 Articulation, Department of Education, 325 West Gaines Street, Suite 1401, Tallahassee, Florida 32399; (850)245-0427

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) through (4) No change.

(5) The "Course Code Directory and Instructional Personnel Assignments ~~2008-2009~~ ~~2007-2008~~," is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 1001.02(1), ~~1009.53(3)~~, 1011.62(1)(r) FS. Law Implemented ~~1009.531, 1009.534, 1009.535, 1009.536~~, 1011.62(1) FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06, 1-18-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith Sheets, Jr., Office of K-20 Articulation, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Heather Sherry, Director, Office of K-20 Articulation, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.094221	Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion

PURPOSE AND EFFECT: The purpose of this rule revision is to provide guidelines relating to the statewide public school student progression law eliminating social promotion, by including the Stanford Achievement Test (SAT)-10 as an alternative assessment for students scoring at Level 1 on the grade three Florida Comprehensive Assessment Test (FCAT). Since the original rule adoption, the FCAT Norm Referenced Test (NRT) has changed from SAT-9 to SAT-10. The effect of this rule revision will be that students who score at Level 1 on the grade three FCAT Reading may be promoted to grade four if an acceptable level of performance is demonstrated on the alternative assessment, SAT-9 or SAT-10.

SUMMARY: This rule provide guidelines for utilizing the options of Alternative Standardized Reading Assessment and the Student Portfolio for Good Cause Promotion with regard to third grade students who score at Level 1 on the grade three FCAT Reading.

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

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.

SPECIFIC AUTHORITY: 1008.25(9)(b) FS.

LAW IMPLEMENTED: 1008.25(6)(b)3. FS.

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

DATE AND TIME: February 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Evan Lefsky, Executive Director, Office of Just Read, Florida, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.094221 Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion.

(1) Pursuant to Section 1008.25(6), Florida Statutes, relating to the statewide public school student progression law eliminating social promotion, students who score at Level 1 on the grade three ~~reading~~ Florida Comprehensive Assessment Test (FCAT) Reading may be promoted to grade four if the student demonstrates:

(a) An acceptable level of performance on the FCAT Norm Referenced Test (NRT) ~~in Reading portion of the FCAT~~ or the Reading SAT-9 or Reading SAT-10 alternative assessment; or

(b) Reading on grade level as evidenced through mastery of the Sunshine State Standards in reading equal to at least Level 2 performance on the grade three ~~reading~~ FCAT Reading.

(2) The acceptable levels of performance on the alternative assessment for grade three ~~for the 2003-2004 school year~~ are as follows:

(a) To promote a student using the grade three FCAT reading NRT ~~In Reading portion of the FCAT~~ as an alternative assessment good cause exemption, the grade three student scoring at Level 1 ~~Reading~~ FCAT Reading must score at or above the ~~45th 51st~~ percentile on the grade three FCAT NRT in Reading reading NRT ~~portion of the FCAT~~.

(b) To promote a student using the SAT-9 or SAT-10 as an alternative assessment good cause exemption, the grade three student scoring at Level 1 ~~on~~ Reading FCAT Reading must score at or above the 51st percentile on ~~a parallel form of the SAT-9 or at or above the 45th percentile on the Reading SAT-10~~. The SAT-9 or SAT-10 may only be administered one (1) time.

(c) The earliest the alternative assessment may be administered for student promotion purposes is following the receipt of the grade three student ~~reading~~ FCAT Reading scores or during the last two (2) weeks of school, whichever occurs first.

(3) To promote a student using a student portfolio as a good cause exemption there must be evidence that demonstrates the student's mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the grade three ~~reading~~ FCAT Reading. Such evidence shall be an organized collection of the student's mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the grade three ~~reading~~ FCAT Reading. The student portfolio must meet the following criteria:

- (a) Be selected by the student's teacher,
- (b) Be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom,

(c) Include evidence that the benchmarks assessed by the grade ~~three 3-reading~~ FCAT Reading have been met. Evidence is to include multiple choice items and passages that are approximately sixty (60) percent literary text and forty (40) percent information text, and that are between 100-700 words with an average of 350 words. Such evidence could include chapter or unit tests from the district's/school's adopted core reading curriculum that are aligned with the Sunshine State Standards or teacher-prepared assessments.

(d) Be an organized collection of evidence of the student's mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the grade ~~three 3-reading~~ FCAT Reading. For each benchmark, there must be at least five (5) examples of mastery as demonstrated by a grade of "C" or above, and

(e) Be signed by the teacher and the principal as an accurate assessment of the required reading skills.

Specific Authority 1008.25(8)(b) FS. Law implemented 1008.25(6)(b)3. FS. History-New 5-19-03, Amended 7-20-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melinda Webster, Elementary Reading Specialist, Office of Just Read, Florida

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Evan Lefsky, Executive Director, Office of Just Read, Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0243
 RULE TITLE: Specialization Requirements for Certification in Foreign Language (Grades K-12) – Academic Class

PURPOSE AND EFFECT: The rule amendment is proposed to provide for acceptance of written and oral proficiency scores earned from the American Council on the Teaching of Foreign Languages (ACTFL) as one option for satisfying the foreign language specialization requirements for foreign languages for which there are no Florida developed subject area exams. It is also proposed that the languages for which certification is offered be expanded to add Arabic, Hindi, Farsi, and Haitian Creole.

SUMMARY: The rule is amended to propose that a score above the intermediate level on the ACTFL oral proficiency interview and the written proficiency test for the specific foreign language for which there is no Florida developed

subject area exam be accepted to establish subject area specialization requirements for initial certification in the foreign language.

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

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.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

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

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

DATE AND TIME: February 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief, Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400; (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0243 Specialization Requirements for Certification in Foreign Language (Grades K-12) – Academic Class.

(1) Specialization requirements for the following world modern languages: Arabic, Chinese, Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, Russian, and Spanish.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in one of the world modern languages listed in subsection (1) of this rule, or

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in one of the world modern languages listed in subsection (1) of this rule to include credit in the areas specified below:

1. History or culture of the people who speak the language as their native language,
2. Literature in the language, and
3. Applied linguistics or second language acquisition, or

(c) Plan Three. A bachelor's or higher degree with specialization requirements completed in one (1) of the world modern languages as specified in paragraph (1)(a) or (b) of this rule, and twenty-one (21) semester hours in another one of the modern languages listed in subsection (1) of this rule to include credit in the areas specified below:

1. History or culture of the people who speak the language as their native language, and
2. Literature in the language, or

(d) Plan Four. A bachelor's or higher degree and official documentation of successful completion of the Basic Program of the Defense Language Institute of the United States Department of Defense in one of the world modern languages listed in subsection (1) of this rule or:-

(e) Plan Five. A bachelor's or higher degree and official documentation of an American Council on the Teaching of Foreign Languages (ACTFL) oral proficiency interview score earned above the intermediate level and a written proficiency test score earned above the intermediate level in one of the world languages for which there is no Florida developed certification subject area examination.

(2) Specialization requirements for Latin.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in Latin, or

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in Latin to include credit in the areas specified below:

1. Latin vocabulary, grammar, and composition,
2. Latin literature, and
3. Roman culture, or

(c) Plan Three. A bachelor's or higher degree with specialization requirements completed in one (1) of the modern languages as specified in paragraph (1)(a) or (b) of this rule, and twenty-one (21) semester hours in Latin to include credit in the areas specified below:

1. Latin vocabulary, grammar, and composition,
2. Latin literature, and
3. Roman culture.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History--New 7-1-90, Amended 7-17-00, 4-17-02, 6-20-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beverly Gregory, Chief, Bureau of Educator Certification, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pamela Stewart, Deputy Chancellor, K-12 Educator Quality, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

RULE TITLE:

6A-6.025

Use of Epinephrine Auto-Injectors

PURPOSE AND EFFECT: The purpose of this rule is to implement the requirements of Section 1002.30(3)(i), Florida Statutes, relating to the use of epinephrine auto-injectors. The effect is the adoption of a rule consistent with governing legislation.

SUMMARY: This rule is proposed to specify school district requirements regarding the use of epinephrine auto-injectors in school, school sponsored activities, or in transit to or from school.

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

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.

SPECIFIC AUTHORITY: 1002.20(3)(i) FS.

LAW IMPLEMENTED: 1002.20(3)(i) FS.

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

DATE AND TIME: February 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, K-12 Public Schools, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399; (850)245-0475

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.025 Use of Epinephrine Auto-Injectors.

(1) Definitions.

(a) Self-Administration. Self-administration shall mean that the student is able to utilize the epinephrine auto-injector in the manner directed by the licensed healthcare provider without additional assistance or direction.

(b) Anaphylaxis. Anaphylaxis is a medical term for the life-threatening allergic reactions that may occur when allergic individuals are exposed to specific allergens. Anaphylaxis is a collection of symptoms affecting multiple systems in the body.

(c) Epinephrine Auto-injector. Epinephrine auto-injector is a prescription medication (epinephrine) in a specific dose-for-weight device that is packaged for self-delivery in the event of a life-threatening allergic reaction.

(d) Emergency Action Plan. Emergency action plan is a child-specific action plan that is developed for an anticipated health emergency in the school setting. The Emergency Action Plan (EAP) is a component of the Individual Health Care Plan (IHCP) developed in accordance with Section 1006.062, Florida Statutes, and Rule 64F-6.004, F.A.C.

(2) A written authorization is required from the physician and parent/guardians for a student to carry an epinephrine auto-injector and self-administer epinephrine by auto-injector in accordance with Section 1002.20, Florida Statutes.

(3) In accordance with subsection 64F-6.004(4), F.A.C., the school nurse shall develop an annual IHCP that includes an EAP, in cooperation with the student, parent/guardians, healthcare provider, and school personnel for the student with life-threatening allergies.

(4) The IHCP shall include provisions for child-specific training in accordance with Section 1006.062(4), Florida Statutes, to protect the safety of all students from the misuse or abuse of auto-injectors. The EAP component shall specify that the emergency number (911) will be called immediately for an anaphylaxis event and describe a plan of action if the student is unable to perform self-administration of the epinephrine auto-injector.

Specific Authority 1002.20(3)(i) FS. Law Implemented 1002.20(3)(i) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, K-12 Public Schools, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Smith, Deputy Chancellor, Curriculum, Instruction, and Student Services, K-12 Public Schools, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-1.901 RULE TITLE: General

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-1, Florida Administrative Code, to adopt the most current version of the Application for General Works of the District Development Permit, incorporated by reference. The effect of the rule will incorporate the updated Application for General Works of the District Development Permit, to conform to Chapter 40B-4, Florida Administrative Code, which was updated in August 2007.

SUMMARY: This proposed rule development will incorporate by reference the updated Application for General Works of the District Development Permit.

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

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.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-1.901 General.

(1) through (10) No change.

(11) Application for General Work of the District Development Permit, Effective January 29, 2001;

(12) through (17) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 9-15-81, Amended 3-17-88, 12-21-88, 10-8-89, 6-17-93, 10-3-95, 1-3-96, 6-22-99, 1-29-01, 5-15-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.:	RULE TITLE:
61A-1.010	Approved Advertising and Promotional Gifts; Recordkeeping Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify and reformat the rules addressing advertising and promotional gifts as they pertain to the sale of alcoholic beverages.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, 414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.010 Approved Advertising and Promotional Gifts; Recordkeeping Requirements.

(1) Manufacturers and distributors are prohibited from providing any forms of assistance not included in the exceptions specified in Chapter 61A-1, F.A.C., or specifically authorized by Florida Statutes, to vendors and their employees or agents. In addition, vendors, their employees or agents are prohibited from accepting any such forms of assistance. The division hereby adopts the “Approved Advertising and Promotional Gifts Chart,” herein incorporated by reference and effective 6/5/97. This chart, produced by the division, provides for the description, special conditions, and restrictions on items which shall not be considered unlawful gifts, loans of money or property, or rebates for purposes of Section 561.42, F.S. This

chart is available from the Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, FL 32399-1020.

~~(2) Any other gifts, loans of money or property, or rebates not included in the "Approved Advertising and Promotional Gifts Chart", or specifically authorized by Florida Statutes, shall not be provided to a vendor.~~

~~(2)(3) Manufacturers and distributors shall keep and maintain records for a three-year period on their licensed premises, or other division-approved location, of any permitted form of assistance provided to vendors under the Beverage Law all product displays, equipment and supplies, samples, consumer coupon promotions, participation in retailer association activities, and the acquisition or production cost and selling cost of merchandise items given, sold, or loaned to vendors.~~

These records shall show:

- (a) The name and address of the vendor, vendor's employee or agent;
- (b) The vendor's license number;
- (c) The date furnished;
- (d) ~~The A~~ A description and quantity of assistance furnished of the item;
- (e) The cost of the manufacturer or distributor's form of assistance (determined by the original purchaser's invoice price). This information is not required if no value restrictions exist; ~~and~~
- (f) The charges to the vendor ~~retailer~~ for the assistance, if any; ~~and applicable~~
- (g) The amount of any coupon, electronic or otherwise.

~~(3)(4) Vendors shall keep and maintain records for a three-year period on their licensed premises, or other division-approved location, of any permitted form of assistance provided by manufacturers or distributors under the Beverage Law. Pursuant to Florida Statutes Section 561.42(8), vendors shall keep and maintain any record for a 3-year period on their licensed premises, or other division approved location, of any credits or other forms of assistance provided to the vendor under subsection (3) of this rule.~~

These records shall show:

- (a) The name and address of the manufacturer or distributor providing the credit, cash, or other form of assistance.
- (b) A description of the form of assistance received and quantity received, if applicable.

Specific Authority 561.11, 561.42 FS., Law Implemented 561.08, 561.42 FS, History-Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A1.10, Formerly, 7A-1.010, Amended 6-5-97, Formerly 61A-1.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Division of Alcoholic Beverages and Tobacco
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.0101
 RULE TITLE: Product Displays

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may provide product displays to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.0101 Product Displays.

(1) Manufacturers and distributors may give or sell product displays to vendors, for use in the interior of a vendor's licensed premises, to include wine racks, bins, barrels, casks, and shelving used exclusively to hold and display factory sealed products of the provider for sale to customers at room temperature or cold. Manufacturers or distributors may require a minimum purchase to provide vendors with a display.

(2) Manufacturers and distributors may transport, install, and disassemble their own product displays on a vendor's premises.

(3) The value of the product display, excluding transportation, installation, and disassembly costs, shall not exceed \$300 per brand at any one time on any one vendor's premises. Manufacturers and distributors shall not pool or combine dollar limitations in order to provide a vendor a product display valued in excess of \$300 per brand.

(4) The product display shall bear conspicuous, permanently inscribed or securely affixed product information. The vendor's name, business name and address may be part of the product display.

(5) Payments of slotting fees shall not be made to vendors. A slotting fee is defined as any form of assistance given by a manufacturer or distributor to a vendor to purchase or rent additional, particular, favorable, or dedicated display, shelf, cooler, storage or warehouse space.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.:	RULE TITLE
61A-1.0103	Consumer Advertising Specialty Items

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how and what consumer advertising specialty items manufacturers and distributors may provide to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.0103 Consumer Advertising Specialty Items.

(1) Manufacturers and distributors of wine or spirits may give or sell to a vendor consumer advertising items, designed to be carried away by the consumer, including trading stamps, nonalcoholic mixers, pouring racks, ashtrays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, shirts, caps, and visors.

(2) Manufacturers or distributors of malt beverages must sell items advertising malt beverages, designed to be carried away by the consumer, including ashtrays, T-shirts, bottle openers, shopping bags, and the like, to vendors at no less than the actual cost of the industry member who purchased them, unless the manufacturer or distributor gives the items directly to consumers on the vendor's licensed premises.

(3) Manufacturers and distributors shall not pay a vendor for allowing them to give items directly to consumers on the vendor's licensed premises.

(4) The vendor's name, business name and address may be printed on these items.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.0104 RULE TITLE: Alcoholic Beverage Samples

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify amounts of beverage samples that manufacturers and distributors may provide to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.0104 Alcoholic Beverage Samples.

(1) A distributor may furnish or give a sample of distilled spirits, wine, or malt beverages to a vendor if that vendor has not purchased the brand from that distributor within the last twelve months. However, if ownership of a distributor or vendor is transferred to a new entity, the distributor is eligible to give, and the vendor is eligible to receive, new samples.

(2) Samples of malt beverages shall not exceed three gallons to each licensed premises; samples of wine shall not exceed three liters to each licensed premises; and samples of spirits shall not exceed three liters to each licensed premises.

(3) If a particular product is not available in a size within the quantity limitations of this section, a manufacturer or distributor may furnish to a vendor the next larger size.

Specific authority 561.11 FS. Law Implemented 561.08, 561.42 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.0105 RULE TITLE: Brand Images

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what brand images manufacturers and distributors may provide to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. to 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.0105 Brand Images.

A manufacturer or distributor may provide to all vendors without conditions copy-ready images of alcoholic beverage brands, logos, or products including newspaper cuts, mats, or engraved blocks, electronic or otherwise.

Specific authority 561.11 FS. Law Implemented 561.08, 561.42 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.0106
 RULE TITLE: Cooperative Advertisements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that cooperative advertising is not permitted and to state the requirements for manufacturers and distributors to use vendor names in an advertisement.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional

Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.0106 Cooperative Advertisements.

(1) Manufacturers and distributors shall not enter into cooperative advertising with vendors or underwrite any vendor's electronic or printed communications or events through the purchase of advertising.

(2) Manufacturers and distributors may use vendors' names in brand advertisements if the advertisement includes two or more vendors without common ownership from whom consumers may purchase the advertised product.

(3) Identification of vendors shall be relatively inconspicuous in relation to the total size of the advertisement.

Specific authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.0107 RULE TITLE: Inside Signs Advertising Brands

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how and when manufacturers and distributors may provide inside signs advertising brands to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.0107 Inside Signs Advertising Brands.

(1) Manufacturers and distributors may give, sell, lend, or furnish inside signs advertising brands to vendors such as neon or electric signs, window painting and decalcomanias, posters, placards, and other advertising material herein authorized to be displayed or used in the interior of a licensed vendor's business. The signs must advertise brands sold by the vendor.

(2) The signs may include the vendor's name, business name and address; however, identification of vendors shall be relatively inconspicuous in relation to the total size of the advertisement. Signs may include the price or space for the price of the alcoholic beverage product advertised on the signs. Signs shall not include any reference to a vendor's promotion or event. Vendors shall not add anything other than price to any inside sign given them by manufacturers or distributors.

(3) Vendors shall not have more than one neon or electric sign per manufacturer in their window or windows.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.0108 RULE TITLE: Combination Packages

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may provide combination packages to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008; 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.0108 Combination Packages.
Manufacturers and distributors may package and distributors may offer and sell to vendors, non-alcoholic beverages or products packaged with alcoholic beverages at the non-combination package price or higher.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.0109 RULE TITLE: Point of Sale Coupons

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may provide point of sale coupons to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.0109 Point of Sale Coupons.

(1) Coupons include both paper and electronic forms of discounts and rebates. At a vendor’s request, paper coupons must be made available in place of electronic coupons. A purchase is required in order for the consumer to receive the discount or rebate.

(2) Coupon promotions may be offered to on-premises or off-premises licensed vendors only, or to both, and must be offered to all vendors in a defined market area. A defined market area is an area no smaller than a 5-digit ZIP code.

(3) All coupons shall have a specific monetary value and shall be offered to vendors in similar quantities, at the same time, based on the vendor’s inventory of the promotion products and the promotion products ordered.

(4) When an electronic-form coupon is offered to a consumer, there must be a conspicuous sign or notice of the discount and its amount on the vendor’s licensed premises for the duration of the coupon promotion.

(5) Vendors shall seek and accept reimbursement only from a manufacturer or distributor, or their designated agent, for a consumer purchase of the product.

(6) Reimbursement to vendors shall not exceed the face value of the coupon and the customary handling charge, which shall be the same charge for all vendors during the coupon period.

(7) Malt beverage distributors shall not provide malt beverage coupons to vendors; however, they may deliver manufacturer’s coupons to vendors.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01010 RULE TITLE: Premium Offers

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may provide premium offers to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant,

(850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01010 Premium Offers.

(1) "Premium Offer" means value-added merchandise, travel, or services held out to consumers in exchange for their purchase of an alcoholic product, sometimes referred to as "product gift" or "gift with sales promotion."

(2) Manufacturers and distributors may furnish premium offers on products to consumers with proof of purchase and may provide vendors with point-of-sale advertising and order forms.

(3) Premium offers shall be made available to all vendors who wish to participate. The premiums shall be offered in similar quantities at the same time; however, the premiums shall not be given or loaned to the vendor for display.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01011
 RULE TITLE: Sweepstakes, Drawings, or Contests
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may provide sweepstakes, drawings, or contests to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01011 Sweepstakes, Drawings, or Contests.

(1) Manufacturers and distributors may provide entry forms, rules, and point-of-sale advertising pieces to vendors. These materials must be offered to all vendors who wish to participate in similar quantities at the same time.

(2) Sweepstakes, drawings, and contests shall not require proof of purchase to enter and shall be open for the general public to participate; however, no vendor or vendor's employee shall be eligible to participate or win.

(3) Vendors shall not collect completed entry forms and the selection of winners shall not occur at a vendor's place of business. Live or electronic contests sponsored by manufacturers or distributors shall not be held at a vendor's place of business.

(4) Section 849.094, F.S. requires registration of consumer games where prizes are awarded in excess of \$5,000 with the Florida Department of Agriculture and Consumer Affairs.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01012
 RULE TITLE: Vendor's Property Included in Contests or Sweepstakes

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may include a vendor's property in contests or sweepstakes.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01012 Vendor's Property Included in Contests or Sweepstakes.

(1) Manufacturers and distributors may administer consumer contests and sweepstakes that include a vendor's property as the prize. However, the contest or sweepstakes shall not be a joint venture with a vendor. Any contest or sweepstakes prizes purchased by the manufacturer or distributor shall be purchased at the same cost as charged to the general public. Any room rental fee paid by the manufacturer or distributor to the vendor shall be at the vendor's normal rate.

(2) Manufacturers and distributors may use the names and pictures of the vendor's properties related to prizes awarded to consumers. Any reference to a vendor shall be relatively inconspicuous in relation to the total size of the advertisement or entry form.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01013
 RULE TITLE: Vendor-Sponsored Tournaments
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may participate in vendor-sponsored tournaments.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01013 Vendor-Sponsored Tournaments.

Manufacturers and distributors may participate in vendor-sponsored tournaments and contests and must pay normal entry fees. Manufacturers and distributors shall not advertise, co-sponsor, underwrite, or contribute in time, money, or gifts.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01014
 RULE TITLE: Gifts to Those Who Are Not Licensed Vendors

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may provide gifts to those who are not licensed vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01014 Gifts to Those Who Are Not Licensed Vendors.

Manufacturers and distributors may give gifts to manufacturer's and distributor's employees, charitable organizations, market testers, and non-profit civic organization permittees. Alcoholic beverage products shall be invoiced to the individual or organization as a no-charge invoice. Individuals or organizations may arrange for delivery of alcoholic beverage products to their function in care of a licensed vendor's place of business provided the alcoholic beverage products do not become the property of the vendor.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:

61A-1.01015 Private Labels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how vendors may sell and manufacturers and distributors may provide private labels.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01015 Private Labels.

(1) Beer, wine, and spirituous liquors may be manufactured under a vendor's trademark. The vendor may be the exclusive outlet for the product if the vendor maintains ownership of the trademark. The vendor shall not set the price of private label products with the manufacturer, importer, or distributor. Pricing shall be independently established by the manufacturer or importer and the distributor.

(2) The vendor may petition the division for an exception to the outside sign prohibition when their business name is the same as the private label name. The petition shall be granted if the purpose is clearly to promote the business name and not the alcoholic beverage brand.

(3) The vendor may be paid royalties and other contractual payments if the right to the trademark is sold by the vendor.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01016 RULE TITLE: Shelf Plans

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may provide shelf plans to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01016 Shelf Plans.

Manufacturers and distributors may give vendors layouts or designs of the vendors' shelves or coolers. The shelf plans must be used solely for the purpose of providing vendors with information regarding placement of alcoholic beverage products on shelves and in coolers. There shall be no requirement for a vendor to purchase anything to receive a shelf plan.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01017 RULE TITLE: Educational Seminars

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may provide educational seminars to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.
 LAW IMPLEMENTED: 561.08, 561.42 FS.
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 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01017 Educational Seminars.

Manufacturers and distributors may host instructional programs relating to alcoholic beverage products, alcoholic beverage laws and regulations, or responsible service and sales of alcoholic beverages. During seminars, manufacturers and distributors may give vendors and vendor’s employees or agents, instructional materials, snacks, beverages, meals, and tours of a manufacturer or distributor’s facility. Manufacturers and distributors shall not pay for or provide lodging or transportation to or from seminars to any vendor, vendor’s employee or agent.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01018
 RULE TITLE: Trade Shows and Conventions
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may participate in non-profit retailer trade shows and conventions.
 SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 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.
 SPECIFIC AUTHORITY: 561.11, 561.42 FS.
 LAW IMPLEMENTED: 561.08, 561.42 FS.
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close
 PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399
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 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01018 Trade Shows and Conventions.

(1) Manufacturers and distributors may participate in non-profit vendor association trade shows and conventions. Participation may include:
(a) Displaying products;
(b) Renting display space at normal trade show rates;
(c) Paying normal registration fees;

- (d) Purchasing tickets to functions;
- (e) Providing samples to attendees;
- (f) Conducting tastings for attendees;
- (g) Providing hospitality independent of sponsored activities by the association or any member vendors; and
- (h) Purchasing advertisements in publications distributed during conventions and trade shows. Payments for all such advertisements shall not exceed \$300 per year to any retail association.

(2) Malt beverage manufacturers and distributors shall not provide any gifts to vendor associations that advertise malt beverages.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01019 RULE TITLE: Proof of Insurance Coverage

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what type of proof of insurance coverage manufacturers and distributors may provide to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close.

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01019 Proof of Insurance Coverage.

Manufacturers and distributors may provide vendors proof of insurance for manufacturers or distributors personnel, equipment, and products; however they may only issue “hold harmless” or “indemnity” agreements involving product liability or copyright and patent infringement for acts or omissions of the manufacturer or distributor. Manufacturers or distributors shall not issue “hold harmless” or “indemnity” agreements directly or indirectly insuring or co-insuring acts or omissions of vendors.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01020
 RULE TITLE: Draft Cleaning

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that manufacturers and distributors may provide draft cleaning to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close.

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01020 Draft Cleaning.

Distributors may clean malt beverage draft equipment utilizing or dispensing their product to ensure quality control.

Specific Authority 561.11 FS. Law Implemented 561.423, 561.08, 561.42 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01021
 RULE TITLE: Returns of Damaged Products

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how vendors may return damaged products to manufacturers and distributors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01021 Returns of Damaged Products.

(1) Vendors may return damaged products to distributors. Vendors shall notify distributors of damaged products received from the distributor within ten days after delivery in order to obtain a credit or exchange. Damaged products shall be verified by the distributor's representative prior to issuing a credit or exchange. Damaged products shall be exchanged in exact quantities with products of near or equal value made by the same manufacturer and in the same size containers unless a credit or cash is issued at the time of the return with supporting documentation. Products damaged by vendors shall not be returned to the distributor for credit or exchange and will be the vendor's liability.

(2) Distributors shall maintain records of vendor requests for return of damaged products with reference made to the original invoice showing the delivery date and any credit memo issued. Distributors shall make and keep a transaction record of all exchanges detailing the date, the licensed vendor, business name and address, the vendor's license number, and the product exchanged for products, cash, or credit.

(3) No return of the product shall be permitted if the vendor's request is made more than ten days after the delivery date, unless the division has granted permission on DBPR form 4000A-015, Application to Return Alcoholic Beverages, incorporated herein by reference and effective 6/5/97.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01022 RULE TITLE: Returns of Undamaged Products

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how vendors may return undamaged products to manufacturers and distributors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01022 Returns of Undamaged Products.

(1) Distributors shall not make consignment sales to vendors. Vendors who make a request for return of undamaged products within five days after delivery shall be entitled to cash or a credit within ten days after the request and at the same time the distributor picks up the products. The distributor shall document the request on the credit or refund memo. The five day requirement excludes days that either the vendor or the distributor are closed for business.

(2) No return of the product shall be permitted if the vendor's request is made more than five days after the delivery date, unless the division has granted permission on DBPR form 4000A-015, Application to Return Alcoholic Beverages, incorporated herein by reference and effective 6-5-97.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01023 RULE TITLE: Warehousing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may provide warehousing to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01023 Warehousing.

Distributors of wine and spirituous liquors may deliver those products during the same calendar week, which shall begin on Sunday, as the products are ordered. The product prices shall be set at the time of the order and may not be adjusted based on additional products ordered during the same calendar week as the original order after the first delivery is loaded.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01024 RULE TITLE: Split Cases

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify how manufacturers and distributors may provide split cases to vendors.

SUMMARY: This rule is part of a large set being promulgated to implement statutory provisions relating to approved advertising and promotional gifts, including coupons, as they pertain to the sales of alcoholic beverages.

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

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.

SPECIFIC AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: Wednesday, February 13, 2008, 9:00 a.m. – 5:00 p.m. or until completion of business, whichever is earlier, at which time the record will close

PLACE: Professions Boardroom, Northwood Centre, 1940 N. Monroe Street, 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: DeeAnna Owens, Administrative Assistant, (850)414-8125. 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 IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.01024 Split Cases.

Distributors may offer split cases containing more than one brand or more than one size of the same brand of alcoholic beverage to vendors. Distributors must have a written policy applying to all vendors if an add-on fee is charged for any split cases.

Specific Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Hill, Director, Division of Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ralf Michels, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE NO.: RULE TITLE:

61G2-3.001 Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify fees for reinstatement of void license.

SUMMARY: The rule amendment will add new language to clarify fees for reinstatement of void license.

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

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.

SPECIFIC AUTHORITY: 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS.

LAW IMPLEMENTED: 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), 468.3851, 468.386(1), 468.387, 468.393(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-3.001 Fees.

(1) through (11) No change.

(12) Fees for Reinstatement of a Void License:

(a) Non refundable Application fee of \$150.00.

(b) Non refundable Renewal fee of \$150.00 – \$300.00 for each biennium when timely renewal was missed, as set forth in Rule 61G2-2.006, F.A.C., and

(c) Fee for unlicensed activity and recovery fund of \$105.00 – \$210.00 for each biennium when timely renewal was missed, as set forth in Rule 61G2-2.006, F.A.C.

Specific Authority 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS. Law Implemented 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), 468.3851, 468.386(1), 468.387, 468.393(1) FS. History–New 9-18-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Auctioneers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Auctioneers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.002
RULE TITLE: Salon Requirements

PURPOSE AND EFFECT: The purpose of the rule amendment is to retain the requirement that a salon comply with local building and fire codes, however, it also makes it possible for a salon to submit an application online. The existing rule requires a salon to submit proof of compliance. The amended rule still requires compliance, however, it does not require the applicant to submit proof along with its application.

SUMMARY: The purpose of the rule amendment is to retain the requirement that a salon comply with local building and fire codes, however, it also makes it possible for a salon to submit an application online. The existing rule requires a salon to submit proof of compliance. The amended rule still requires compliance, however, it does not require the applicant to submit proof along with its application.

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

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.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.002 Salon Requirements.

- (1) Prior to opening a salon, the owner shall:
(a) through (c) No change.

(d) Comply with all local building and fire codes. These requirements shall continue in full force and effect for the life of the salon. ~~Submit proof of compliance with all local building and fire codes.~~

(2) through (6) No change.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History--New 4-22-81, Amended 9-11-81, 1-17-83, 8-10-83, 6-28-84, 10-6-85, Formerly 21F-20.02, Amended 6-18-86, 10-18-87, 8-20-90, 5-19-91, 1-30-92, 5-11-92, 4-15-93, 5-31-93, Formerly 21F-20.002, Amended 1-9-95, 4-5-95, 8-8-95, 2-28-96, 6-16-97, 8-27-98, 4-13-99, 8-1-05, 9-6-06, 2-25-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.004
RULE TITLE: Display of Documents

PURPOSE AND EFFECT: The Board proposes the rule amendment requiring all cosmetology or specialty salon licensees to display the Consumer Protection Notice.

SUMMARY: The Board proposes the rule amendment requiring all cosmetology or specialty salon licensees to display the Consumer Protection Notice.

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

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.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.004 Display of Documents.

- (1) through (2) No change.

(3) By July 1, 2008, all holders of a cosmetology or specialty salon license shall display at each footbath a copy of the Consumer Protection Notice regarding footbaths, sanitation, and safety. Copies of this notice (revised 10/15/07, and incorporated herein by reference) may be obtained from the Department of Business and Professional Regulation at 1940 North Monroe St., Tallahassee, FL 32399-0783, and the Call Center by calling (850)487-1395.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 11-2-80, Amended 10-10-82, 6-28-84, 10-6-85, Formerly 21F-20.04, 21F-20.004, Amended 3-22-00, 12-6-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-32.001
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: Continuing education providers are required to submit proof electronically to DBPR that a licensee has taken a course. Section 455.2178(1), Florida Statutes, was recently amended to provide a specific time period within which the providers must submit the proof. The amendment conforms the rule to the specific time period provided by the statute.

SUMMARY: Continuing education providers are required to submit proof electronically to DBPR that a licensee has taken a course. Section 455.2178(1), Florida Statutes, was recently amended to provide a specific time period within which the providers must submit the proof. The amendment conforms the rule to the specific time period provided by the statute.

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

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.

SPECIFIC AUTHORITY: 455.2178, 455.2179, 455.219(3), 455.2228, 477.016, 477.019(7) FS.

LAW IMPLEMENTED: 455.2178, 455.2179, 455.219(3), 455.2228, 477.019(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G5-32.001 Continuing Education.
- (1) through (5) No change.
- (6) PROVIDER APPROVAL AND REQUIREMENTS.
 - (a) through (d) No change.
 - (e) ~~Beginning November 1, 2001,~~ Continuing education providers shall electronically provide to the Department the list of attendees at each of its offered courses within 30 business days of the completion of the course, ~~or prior to the end of the renewal cycle, whichever occurs first.~~ However, the continuing education provider shall electronically report to the Department completion of a licensee’s course within 10 business days beginning on the 30th day before the renewal deadline or prior to the renewal date, whichever occurs sooner. For home study courses, the provider shall electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual. This list shall include the provider’s name and provider number, the name and license or registration number of the attendee, the date the course was completed, and the course number. All documents from the provider shall be submitted electronically to the Department and must be in a form as agreed to by the Department with the provider. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider and the course approval. Each continuing education provider shall maintain records of attendance or completion for all continuing education courses offered or taught by the provider for a period of not less than four years following the offering of each course or the receipt of documentation of completion of a home study course. Upon request, these records shall be made available for inspection by the Department or its agent, or the private entity contracted with by the Department to administer the continuing education program at such reasonable time and location as determined by the Department or its agent, or the private entity. The list of attendees submitted electronically to the Department shall not include the names of applicants taking the course for initial licensure pursuant to Rule 61G5-18.011, F.A.C.
 - (f) through (j) No change.
 - (7) through (8) No change.

Specific Authority 455.2178, 455.2179, 455.219(3), 455.2228, 477.016, 477.019(7) FS. Law Implemented 455.2178, 455.2179, 455.219(3), 455.2228, 477.019(7) FS. History—New 3-25-99, Amended 2-28-00, 7-27-00, 7-29-01, 7-1-02, 12-6-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH
Board of Clinical Laboratory Personnel
RULE NO.: 64B3-12.001 RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: The purpose of this notice is to amend the disciplinary guidelines pertaining to a violation of Section 483.825(1)(h), F.S.
SUMMARY: The disciplinary guidelines pertaining to a violation of Section 483.825(1)(h), F.S.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
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.
SPECIFIC AUTHORITY: 456.079, 483.805(4) FS.
LAW IMPLEMENTED: 456.072, 456.079, 483.825 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:
64B3-12.001 Disciplinary Guidelines.
(1) No change.
(2)(a) through (g) No change.
(h) Section 483.825(1)(h), F.S.: Reporting a test result when no laboratory test was performed on a clinical specimen ~~from a minimum fine of \$500 and/or six months of probation~~

~~to a maximum fine of \$2,000 and one year of suspension. For a second offense, from a minimum fine of \$1,000 and six months of probation to a maximum fine of \$7,500 and/or up to three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation.~~

- (i) through (y) No change.
- (3) through (6) No change.

Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.072, 456.079, 483.825, ~~483.827~~ FS. History—New 8-3-93, Formerly 61F3-12.001, Amended 2-7-95, 5-3-95, 12-4-95, Formerly 59O-12.001, Amended 3-19-98, 9-20-98, 10-6-02, 2-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF HEALTH
Board of Clinical Laboratory Personnel
RULE NO.: 64B3-13.001 RULE TITLE: Responsibilities of Directors
PURPOSE AND EFFECT: The purpose of this notice is to update the citations within subsection 64B3-13.001(3), F.A.C., so that the subsection conforms to the proposed amendments to Rule 64B3-5.007, F.A.C.
SUMMARY: The responsibilities associated with directing a clinical laboratory performing highly complex testing.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
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.
SPECIFIC AUTHORITY: 483.805(4) FS.
LAW IMPLEMENTED: 483.800, 483.813, 483.823, 483.825 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-13.001 Responsibilities of Directors.

(1) through (2) No change.

(3) A director not certified by the American Board of Pathology in clinical pathology qualified pursuant to paragraph 64B3-5.007(2)(a), F.A.C., or by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology subsection 64B3-5.007(3), F.A.C., who is directing a clinical laboratory performing highly complex testing, shall ensure a co-director certified by the American Board of Pathology in clinical pathology qualified under paragraph 64B3-5.001(1)(a), F.A.C., or by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology subsection 64B3-5.001(3), F.A.C., is available to provide clinical consultation and technical supervision consistent with the scope and volume of highly complex testing being performed as defined in 42 C.F.R. 493.10 and 42 C.F.R. 493.17 which are incorporated by reference. Directors certified by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology qualifying pursuant to subsection 64B3-5.001(3), F.A.C., shall provide clinical consultation only in the specialty area(s) for which they are board certified or have 4 years of pertinent clinical laboratory experience.

(4) through (7) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History—New 12-6-94, Amended 3-28-95, Formerly 590-13.001, Amended 4-7-02, 5-24-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.005
RULE TITLE: Remediable Tasks Delegable to Dental Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify remediable tasks that can be delegated to Dental Assistants.

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify remediable tasks that can be delegated to Dental Assistants.

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

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.

SPECIFIC AUTHORITY: 466.004(4), 466.024(3) FS.

LAW IMPLEMENTED: 466.024 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

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

~~(a) Removing sutures;~~

~~(a)(b)~~ No change.

~~(b)(c)~~ Polishing dental amalgam restorations of the teeth when not for the purpose of changing the existing contour of the tooth and only with the following instruments used with appropriate polishing materials – burnishers, slow-speed hand pieces, rubber cups, and bristle brushes;

(d) through (f) renumbered (c) through (e) No change.

(g) Applying sealants;

~~(f)(h)~~ No change.

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

(j) through (k) renumbered (h) through (i) No change.

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

(m) through (p) renumbered (j) through (m) No change.

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

(r) through (u) renumbered (n) through (q) No change.

(r) Taking impressions for passive appliance, occlusal guards, space maintainers and protective mouth guards;

(2) The following remediable tasks may be performed by a dental assistant who has received formal training and who performs the tasks under indirect supervision:

(a) No change.

(b) Making impressions to be used for creating opposing models or the fabrication of bleaching stents and surgical stents to be used for the purpose of providing palatal coverage as well as impressions used for fabrication of topical fluoride trays for home application;

(c) through (g) No change.

(h) Applying topical fluorides which are approved by the American Dental Association or the Food and Drug Administration, including the use of fluoride varnishes; and

(i) Positioning and exposing dental and carpal radiographic film and sensors;-

(j) Applying sealants;

(k) Placing or removing prescribed pre-treatment separators;

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

(m) Removing sutures.

(3) through (5) No change.

Specific Authority 466.004(4), 466.024(3) FS. Law Implemented 466.024 FS. History–New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.005, Amended 3-30-94, Formerly 61F5-16.005, Amended 1-9-95, 9-27-95, 6-12-97, Formerly 59Q-16.005, Amended 1-8-01, 4-22-03, 7-13-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2007

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.006
RULE TITLE: Remediable Tasks Delegable to a Dental Hygienist

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove unnecessary language and to add language to clarify remediable tasks that can be delegated to Dental Hygienists.

SUMMARY: The rule amendment will remove unnecessary language and to add language to clarify remediable tasks that can be delegated to Dental Hygienists.

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

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.

SPECIFIC AUTHORITY: 466.004(4), 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(a) through (f) No change.

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

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

(i) through (k) No change.

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

~~(l)(m)~~ No change.

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

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

(a) through (d) No change.

(e) Making impressions to be used for creating opposing models or the fabrication of bleaching stents and surgical stents to be used for the purpose of providing palatal coverage as well as impressions used for fabrication of topical fluoride trays for home application;

(f) through (h) No change.

(i) Placing or removing prescribed pre-treatment separators;

(j) Securing or unsecuring an archwire by attaching or removing the fastening device;

(k) Taking impressions for passive appliances, occlusal guards, space maintainers and protective mouth guards;

(3) The following remediable tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training as defined by Rule 64B5-16.002, F.A.C., and who performs the tasks under general supervision:

(a) Polishing ~~amalgam~~ restorations which is not for the purpose of changing the existing contour of the tooth and only with the following instruments used with appropriate polishing materials – burnishers, slow-speed hand pieces, rubber cups, and bristle brushes;

(b) No change.

(c) Applying of topical fluorides which are approved by the American Dental Association or the Food and Drug Administration, including the use of fluoride varnishes;

(d) through (h) No change.

(4)(a) through (h) No change.

(5) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024 FS. History–New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98, 3-25-99, 4-24-00, 9-27-01, 7-13-05, 2-14-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: December 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: November 21, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.025 Licensure Under Supervision

PURPOSE AND EFFECT: The proposed rule amendments are intended to address licensure under supervision.

SUMMARY: The proposed rule amendments clarify the criteria for those physicians who are granted a license to practice medicine with the requirement that the physician practice under the direct or indirect supervision of another licensed physician.

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

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.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.311, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.025 Licensure Under Supervision.

When an applicant is certified for licensure, but said licensure is restricted in such a manner as to require a period of practice under supervision of another licensee approved by the Board, the applicant’s license shall not be issued ~~activated~~ until a supervisor is approved by the Board. However, unless provided otherwise in the Board’s Order, the person who is certified for licensure must have a supervisor approved ~~and must activate the license~~ within 12 months of the date the Board certifies the applicant for licensure. If the person certified for licensure does not obtain an approved supervisor ~~activate the license~~ within that 12 month period, the certification for licensure expires and the person must reapply for licensure.

(1) If an applicant is required to work under the direct supervision of another physician, “direct supervision” shall require the physical presence of the supervising physician on the premises so that the supervising physician is immediately available when needed.

(2) If an applicant is required to work under the indirect supervision of another physician, “indirect supervision” shall mean the responsible supervision of the licensee by a supervising physician, approved by the board, which supervision shall not require the physical presence of the supervising physician when procedures are performed, but shall require the supervisor to be reasonably available, so as to be physically present to provide consultation or direction in a timely fashion as required for appropriate care of the patient.

(3) The proposed supervisor, practice plans, and designation of an area of practice shall be reviewed by the Probation Committee which shall make recommendations to the Board. The Chairman of the Probation Committee may grant temporary approval of the proposed supervisor, practice plan, and designation of an area of practice. Final approval may not be granted until the proposed supervisor and the applicant appear before the Probation Committee unless the appearance requirement is waived by the Probation Committee.

Specific Authority 458.309 FS. Law Implemented 458.311, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History–New 9-21-93, Formerly 61F6-22.025, 59R-4.025, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Credentials Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-5.001
 RULE TITLE: Examinations

PURPOSE AND EFFECT: The proposed rule amendments are intended to address applicants who passed Step 2 of the USMLE prior to June 2004.

SUMMARY: The proposed rule amendment exempts applicants who passed Step 2 of the USMLE prior to June, 2004, from the requirement for completion of the Clinical Skills portion of Step 2.

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

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.

SPECIFIC AUTHORITY: 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS.

LAW IMPLEMENTED: 456.017(1), (2), 458.311, 458.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-5.001 Examinations.

(1) No change.

(2) Any applicant who attempts to qualify for licensure by successfully completing the USMLE first used in 1994 shall meet the following requirement: An applicant must achieve a weighted score of no less than 75 on each step in order to be eligible for licensure in Florida. Any applicant who passed Step 2 of the USMLE prior to June 2004, is not required to complete the Clinical Skills portion of Step 2.

(3) through (4) No change.

Specific Authority 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS. Law Implemented 456.017(1), (2), 458.311, 458.313 FS. History—New 12-5-79, Amended 11-10-82, 11-28-84, 3-13-85, 8-11-85, 12-4-85, Formerly 21M-21.01, Amended 2-16-86, 12-16-86, 5-10-89, Formerly 21M-21.001, Amended 5-9-94, Formerly 61F6-21.001, Amended 10-18-94, 1-2-95, Formerly 59R-5.001, Amended 8-18-98, 2-3-00, 8-20-02, 6-9-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-56.002
 RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify use of laser and light-based devices for hair removal or reduction.

SUMMARY: The proposed rule amendments clarify the protocols for the use of lasers and light-based devices.

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

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.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.

(1) No change.

(2) An electrologist ~~Licensed electrologists~~ may not use laser ~~or~~ and light-based devices for hair removal or reduction ~~devices~~ unless they:

(a) Have completed ~~a post licensure education~~ course in laser and light-based hair removal ~~and~~ or reduction that meets the requirements set forth in approved by the Council pursuant to subsections 64B8-52.004(2) and (3), F.A.C.;

(b) through (d) No change.

(3) through (6) No change.

Specific Authority 478.43 FS. Law Implemented 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS. History--New 9-12-01, Amended 2-28-02, 7-23-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1031
RULE TITLE: Influenza Immunization Certification Program

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide a criteria for approval of influenza immunization certification programs.

SUMMARY: The rule promulgation will set criteria for approval of influenza immunization certification programs.

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

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.

SPECIFIC AUTHORITY: 465.189(5) FS.

LAW IMPLEMENTED: 465.189, 465.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1031 Influenza Immunization Certification Program.

The Board shall approve for initial certification of pharmacist administration of influenza immunizations, programs of study not less than 20 hours that includes coursework covering all of the following:

- (1) Mechanisms of action for vaccines, contraindications, drug interactions, and monitoring after vaccine administration;
- (2) Immunization Schedules;

(3) Immunization screening questions, provision of risk/benefit information, informed consent, recordkeeping, and electronic reporting into the statewide immunization registry through enrollment application DH Form 1997 herein incorporated by reference;

(4) Vaccine storage and handling;

(5) Bio-Hazardous waste disposal and sterile techniques;

(6) Entering, negotiating and performing pursuant to physician oversight protocols;

(7) Community immunization resources and programs;

(8) Identifying, managing and responding to adverse incidents including but not limited to potential allergic reactions associated with vaccine administration;

(9) Procedures and policies for reporting adverse events to the Vaccine Adverse Event Reporting System (VAERS);

(10) Reimbursement procedures and vaccine coverage by federal, state and local governmental jurisdictions and private third party payors;

(11) Administration techniques;

(12) The current influenza immunization guidelines and recommendations of the United States Department of Health Centers for Disease Control and Prevention;

(13) Review of Section 465.189, F.S.; and

(14) Cardiopulmonary Resuscitation (CPR) training.

Successful completion of the certification program must include a successful demonstration of competency in the administration technique and a cognitive examination.

Specific Authority 465.189(5) FS. Law Implemented 465.189, 465.005 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-11.002
RULE TITLE: Examination for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to delete the date required for passing the PMLexis examination.

SUMMARY: The date required for passing the PMLexis examination will be removed from the rule.

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

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.

SPECIFIC AUTHORITY: 456.017, 461.005 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-11.002 Examination for Licensure.

The Board adopts the national examinations administered under the auspices of the National Board of Podiatric Medical Examiners, including Part I, Part II and the PMLexis Examination, as the examination for licensure in Florida, provided that the applicant for licensure has taken and passed the PMLexis Examination after August of 1996.

Specific Authority 456.017, 461.005 FS. Law Implemented 456.017(1)(c) FS. History—New 1-29-80, Formerly 21T-11.02, Amended 10-14-86, 11-27-89, 6-19-90, 10-9-90, 4-1-91, Formerly 21T-11.002, 61F12-11.002, Amended 1-1-96, 7-9-96, Formerly 59Z-11.002, Amended 5-13-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE NOS.:	RULE TITLES:
64E-5.101	Definitions
64E-5.206	General Licenses – Radioactive Material Other Than Source Material
64E-5.210	Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material
64E-5.216	Reciprocal Recognition of Licenses for Byproduct, Source, Naturally Occurring and Accelerator Produced Radioactive Material, and

64E-5.350

64E-5.351

64E-5.430

64E-5.440

64E-5.441

64E-5.11072

64E-5.1501

64E-5.1502

Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass

Reports of Transactions Involving Nationally Tracked Sources
Nationally Tracked Source Thresholds

Inspection and Maintenance Records

Reporting Requirements
Energy Compensation Source

Purpose and Scope

Transportation of Radioactive Material

PURPOSE, EFFECT AND SUMMARY: All changes described herein are needed to comply with the requirements of Florida’s agreement with the U.S. Nuclear Regulatory Commission (NRC) to regulate radioactive material. As an agreement state, many of Florida’s regulations governing the possession and use of radioactive materials must be identical to the NRC’s regulations for federal radioactive materials licensees. The proposed rule specifies requirements for transportation of radioactive materials; national tracking of certain large radioactive sources; general license device transfers and export requirements; manufacturer or distributors of generally licensed devices requirements; reciprocity recognition of out of state licenses reporting requirements; technical changes in the use of energy compensation sources; and written procedures for inspection and maintenance of industrial radiography equipment.

SPECIFIC AUTHORITY: 404.042, 404.051, 404.051(4), (11), 404.061, 404.061(2), 404.071, 404.081, 404.081(1), 404.141, 404.20 FS.

LAW IMPLEMENTED: 404.022, 404.031, 404.051, 404.051(1), (2), (4), (6), (8), (9), (10), (11), 404.061, 404.061(2), 404.071(1), (3), 404.081, 404.081(1), 404.141, 404.20, 404.20(1), 404.22 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Micheal N. Stephens, (Mike_Stephens@doh.state.fl.us) ENVIRONMENTAL HEALTH PROGRAM CONSULTANT, BUREAU OF RADIATION CONTROL, BIN C21, 4052 BALD CYPRESS WAY, TALLAHASSEE, FLORIDA 32399-1741

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I GENERAL PROVISIONS

64E-5.101 Definitions.

As used in these rules, these terms have the definitions set forth below. Additional definitions used only in a certain part are defined in that respective part.

(1) through (78) No change.

(79) “Low specific activity material (LSA)” means that as defined in 49 C.F.R. 173.403. (Pursuant to Section 120.54(6), Florida Statutes, subsection 64E-5.101(79), F.A.C., is substantively identical to 49 CFR 173.403 published on 10/01/2007.) any of the following:

~~(a) Uranium or thorium ores and physical or chemical concentrates of these ores;~~

~~(b) Unirradiated natural or depleted uranium or unirradiated natural thorium;~~

~~(c) Tritium oxide in aqueous solutions provided the concentration does not exceed 5.0 millicuries (185 MBq) per milliliter;~~

~~(d) Material in which the radioactivity is essentially uniformly distributed and in which the estimated average concentration of contents does not exceed:~~

~~1. 0.0001 millicurie (3.7 kBq) per gram of radionuclides for which the A₂ quantity is not more than 0.05 curie (1.85 GBq);~~

~~2. 0.005 millicurie (185 kBq) per gram of radionuclides for which the A₂ quantity is more than 0.05 curie (1.85 GBq), but not more than 1 curie (37 GBq); or~~

~~3. 0.3 millicurie (11.1 MBq) per gram of radionuclides for which the A₂ quantity is more than 1 curie (37 GBq);~~

~~(e) Objects externally contaminated with radioactive material, provided that the radioactive material is not readily dispersible and the surface contamination, when averaged over an area of 1 square meter, does not exceed 0.0001 millicurie (3.7 kBq) per square centimeter for radionuclides of which the A₂ quantity in Appendix A is not more than 0.05 curie (1.85 GBq), or, for all other radionuclides, 0.001 millicurie (37 kBq) per square centimeter.~~

(80) through (99) No change.

(100) “Package” means that as defined in 49 C.F.R. 173.403 (Pursuant to Section 120.54(6), Florida Statutes, subsection 64E-5.101(100), F.A.C., is substantively identical to 49 CFR 173.403 published on 10/01/2007.) the packaging, together with its radioactive contents, as presented for transport.

(101) through (121) No change.

(122) “Radiographic exposure device” means any instrument containing a sealed source, fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed from a shielded position to an unshielded position for the purpose of making that is used to make a radiographic exposure. It also is known as a camera or

a projector. (Pursuant to Section 120.54(6), Florida Statutes, subsection 64E-5.101(122), F.A.C., is substantively identical to 10 CFR 34.3 published on 01/01/2007.)

(123) through (132) No change.

(133) “Sealed source” means radioactive material that is encased permanently bonded or fixed in a capsule ~~or matrix~~ designed to prevent release or escape ~~and dispersal~~ of the radioactive material ~~under the most severe conditions which are likely to be encountered in normal use and handling.~~ (Pursuant to Section 120.54(6), Florida Statutes, subsection 64E-5.101(133), F.A.C., is substantively identical to 10 CFR 30.4 published on 01/01/2007.)

(134) through (193) No change.

(194) “Nationally tracked source” means a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Rule 64E-5.351, F.A.C. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form, and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold. (Pursuant to Section 120.54(6), Florida Statutes, subsection 64E-5.101(194), F.A.C., is substantively identical to 10 CFR 20.1003 published on 01/01/2007.)

Specific Authority 404.042, 404.051, 404.061 FS. Law Implemented 404.031, 404.051, 404.061, 404.20, 404.22, FS. History—New 7-17-85, Amended 4-4-89, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.102, Amended 5-18-98, 10-8-00, 8-6-01, 9-11-01, 12-18-01, 9-28-06, 8-16-07,_____.

PART II
LICENSING OF RADIOACTIVE MATERIALS
SUBPART B
GENERAL LICENSES

64E-5.206 General Licenses – Radioactive Material Other Than Source Material.

(1) through (3) No change.

(4) Certain Measuring, Gauging and Controlling Devices.

(a) No change.

(b)1. The general license in paragraph (4)(a), above, applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Department pursuant to subsection 64E-5.210(4), F.A.C., or in accordance with the specifications contained in a specific license issued by the ~~NRC U.S. Nuclear Regulatory Commission~~, or an Agreement State or a Licensing

State, which authorizes distribution of devices to persons granted a general license by the NRC U.S. Nuclear Regulatory Commission, or an Agreement State or a Licensing State. Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in Section 179.21 of 21 C.F.R. Part 179. (Pursuant to Section 120.54(6), Florida Statutes, subparagraph 64E-5.206(4)(b)1., F.A.C., is substantively identical to 10 CFR 31.5(b)(1) published on 01/01/2007.)

2. No change.

(c) Any person who owns, receives, acquires, possesses, uses, or transfers radioactive material in a device pursuant to the general license in paragraph (4)(a), above;

1. through 3. No change.

4. Shall maintain records showing compliance with the requirements of subparagraphs (4)(c)2. and 3., above. The records shall show the results of tests. The records also shall show the dates of performance of, and the names of persons performing testing, installation, servicing and removal from installation concerning the radioactive material, its shielding or containment. Records of tests for leakage of radioactive material required by subparagraph (4)(c)2., above, shall be maintained for at least three ~~a~~ years after the next required leak test is performed or until the transfer or disposal of the sealed source. Records of tests of the on-off mechanism and indicator required by subparagraph (4)(c)2., above, shall be maintained for at least three ~~a~~ years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed. Records which are required by subparagraph (4)(c)3., above, shall be maintained for a period of at least three ~~2~~ years from the date of the recorded event or until the transfer or disposal of the device; (Pursuant to Section 120.54(6), Florida Statutes, subparagraph 64E-5.206(4)(c)4., F.A.C., is substantively identical to 10 CFR 31.5(c)(4)i published on 01/01/2007.)

5. through 6. No change.

7. Except as provided in subparagraph (4)(c)8., below, shall transfer or dispose of the device containing radioactive material only by export as provided by subparagraph 15. below, transfer to a specific licensee of the Department, the NRC U.S. Nuclear Regulatory Commission, or an Agreement State or a Licensing State, whose specific license authorizes him to receive the device, and within 30 days after transfer of a device to a specific licensee, shall furnish to the Department a report containing identification of the device by manufacturer's or initial transferor's name and model number and serial number, the name, address, license number, where applicable, of the person receiving the device, and the date of the transfer;

8. Shall transfer the device by export as provided by subparagraph 15. below, or to another general licensee only:

a. Where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of this section, a copy of Rules 64E-5.103, 64E-5.343328, and 64E-5.344329, F.A.C., and any safety documents identified in the label on the device and within 30 days of the transfer, report to the Department the manufacturer's or initial transferor's name and model number and serial number of device transferred, the transferor's name and mailing address for the location of use, and the name, title and phone number of the responsible individual identified by the transferee in accordance with subparagraph 64E-5.206(4)(c)11., F.A.C., to have knowledge of and authority to take actions to ensure compliance with these regulations; or

b. Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee; and

9. No change.

10. Shall be required to obtain written Department authorization before transferring the device to any other specific license not specifically identified in subparagraph 64E-5.206(4)(c)7., F.A.C. The Department authorization is granted provided the specific license identifies the device.

11. through 12. No change.

13. Shall report to the Department changes in the general licensee name and the mailing address for each location of ~~or~~ use within 30 days of the effective date of the change. For a portable device, a report of address change is required for a change in the device's primary place of storage.

14. Shall ~~May~~ not hold devices that are not in use longer than 2 years. If the devices with shutters are not being used, the shutters must be locked in the closed position. The testing required by subparagraph 64E-5.206(4)(c)2., F.A.C., need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two year time limit if the general licensee performs physical inventories at intervals not to exceed three months while they are in standby. (Pursuant to Section 120.54(6), Florida Statutes, subparagraph 64E-5.206(4)(c)14., F.A.C., is substantively identical to 10 CFR 31.5(c)(15) published on 01/01/2007.)

15. Shall not export the device containing radioactive material except in accordance with 10 C.F.R. Part 110;

16. Shall respond to written requests from the Department to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Department, a written justification for the request for extension of time. (Pursuant to

Section 120.54(6) Florida Statutes, subsections 64E-5.206(4)(c), (16), F.A.C., is substantively identical to 10 CFR 31.5(c)(11) published on 01/01/2007.)

- (d) through (e) No change.
- (5) through (10) No change

Specific Authority 404.051, 404.061, 404.071, 404.081 FS. Law Implemented 404.022, 404.051(1), (4), (6), (8), (9), (10), (11), 404.061(2), 404.071(1), (3), 404.081(1), 404.141 FS. History--New 7-17-85, Amended 4-4-89, 1-1-94, Formerly 10D-91.306, Amended 9-28-06,_____.

SUBPART C
SPECIFIC LICENSES

64E-5.210 Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material.

- (1) through (3) No change.
- (4) Licensing the Manufacture and Distribution of Devices to General Licensees Under subsection 64E-5.206(4), F.A.C.
- (a) through (c) No change.

(d) If a device containing radioactive material is transferred for use under the general license described in subsection 64E-5.206(4), F.A.C., each person that is licensed under subsection 64E-5.210(4), F.A.C., shall provide the information specified in this section to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to the initial transfer to the intermediate person. The required information includes the following:

- 1. A copy of the general license contained in subsection 64E-5.206(4); subparagraphs 64E-5.206(4)(c)2., 3., and 4. or subparagraph 64E-5.206(4)(c)12., F.A.C., do not apply to the particular device, those paragraphs may be omitted;
- 2. A copy of Rules 64E-5.103, 64E-5.343328, and 64E-5.344329, F.A.C.;
- 3. through 5. No change.

(e) If a device containing radioactive material is transferred for use under an equivalent general license of an Agreement State or the NRC U.S. Nuclear Regulatory Commission, each person that is licensed under subsection 64E-5.210(4), F.A.C., shall provide the information specified in this section to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to the initial transfer to the intermediate person. The required information includes the following:

- 1. A copy of the Agreement States or NRC U.S. Nuclear Regulatory Commission equivalent to Rules 64E-5.103, 64E-5.343328, and 64E-5.344329, F.A.C. If a copy of the NRC U.S. Nuclear Regulatory Commission regulations is provided

to a prospective general licensee in lieu of the Agreement State's regulations, it shall be accompanied by a note explaining that the use of the device is regulated by the Agreement State. If certain parts of the regulations do not apply to the particular device, those regulations may be omitted;

- 2. through 4. No change.
- (f) through (h) No change.
- (i) Each person licensed under subsection 64E-5.210(4), F.A.C., shall comply with the following additional reporting and record keeping requirements for transfers and receipt of devices to Agreement States or the NRC.

1. Report all transfers of devices to persons for use under the general license in an Agreement State or the NRC, that are equivalent to subsection 64E-5.206(4), F.A.C., and all receipts of devices from persons licensed under a general license in Agreement State or the NRC jurisdiction to the responsible Agreement State or the NRC agency. This report must contain all of the information described in "Transfers of Industrial Devices Report 04/2007."

- 2. through 6. No change.
- 7. If no transfers have been made to or from a particular Agreement State or the NRC during the reporting period, this information shall be reported to the responsible Agreement State or the NRC agency upon request of the agency.
- 8. No change.
- (j) No change.
- (5) through (14) No change.

(15) Each licensee who manufactures a nationally tracked source after February 6, 2007 shall assign a unique serial number to each nationally tracked source. Serial numbers must be composed only of alpha-numeric characters. (Pursuant to 120.54(6), Florida Statutes, subsection 64E-5.210(15), F.A.C., is substantively identical to 10 CFR 32.201 published on 01/01/2007.)

Specific Authority 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051, 404.061, 404.081, 404.141 FS. History--New 7-17-85, Amended 8-25-91, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.311, Amended 8-6-01, 9-28-06, 8-16-07,_____.

RECIPROCITY SUBPART D

64E-5.216 Reciprocal Recognition of Licenses for Byproduct, Source, Naturally Occurring and Accelerator Produced Radioactive Material, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

(1) Subject to these regulations, any person who holds a specific license from the NRC U.S. Nuclear Regulatory Commission, or an Agreement State or a Licensing State and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, will be granted a general license by the Department to conduct the activities authorized in such licensing document within the

State of Florida, except for areas of exclusive federal jurisdiction, for a period not in excess of 365 consecutive days provided that:

(a) through (d) No change.

(e) Shall not possess or use radioactive materials or engage in activities authorized in subsection 64E-5.216(1), F.A.C., above for more than a period in excess of 180 days in any calendar year. (Pursuant to Section 120.54(6), Florida Statutes, paragraph 64E-5.216(1)(e), F.A.C., is substantively identical to 10 CFR 150.20(b)(4) published on 01/01/2007.)

(2) through (3) No change.

Specific Authority 404.051(4), (11), 404.061(2), 404.081(1), 404.141 FS. Law Implemented 404.051(1), (2), (4), (6), (11), 404.061(2), 404.081(1) FS. History—New 7-17-85, Amended 4-4-89, Formerly 10D-91.321, Amended 10-8-00,_____.

PART III
STANDARDS FOR PROTECTION AGAINST RADIATION
SUBPART L
REPORTS

64E-5.350 Reports of Transactions Involving Nationally Tracked Sources.

Each licensee who manufactures, transfers, receives, disassembles, or disposes of a nationally tracked source shall complete and submit to the NRC a National Source Tracking Transaction Report as specified in subsections (1) through (5) of this section for each type of transaction. (Pursuant to Section 120.54(6), Florida Statutes, Rule 64E-5.350, F.A.C., except subsection 64E-5.350(8), F.A.C., as noted below, is substantively identical to 10 CFR 20.2207 effective 02/06/2007.)

(1) Each licensee who manufactures a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

- (a) The name, address, and license number of the reporting licensee;
- (b) The name of the individual preparing the report;
- (c) The manufacturer, model, and serial number of the source;
- (d) The radioactive material in the source;
- (e) The initial source strength in becquerels (curies) at the time of manufacture; and
- (f) The manufacture date of the source.

(2) Each licensee that transfers a nationally tracked source to another person shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

- (a) The name, address, and license number of the reporting licensee;
- (b) The name of the individual preparing the report;

(c) The name and license number of the recipient facility and the shipping address;

(d) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(e) The radioactive material in the source;

(f) The initial or current source strength in becquerels (curies);

(g) The date for which the source strength is reported;

(h) The shipping date;

(i) The estimated arrival date; and

(j) For nationally tracked sources transferred as waste under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification of the container with the nationally tracked source.

(3) Each licensee that receives a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The name, address, and license number of the person that provided the source;

(d) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(e) The radioactive material in the source;

(f) The initial or current source strength in becquerels (curies);

(g) The date for which the source strength is reported;

(h) The date of receipt; and

(i) For material received under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification with the nationally tracked source.

(4) Each licensee that disassembles a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(a) The name, address, and license number of the reporting licensee;

(b) The name of the individual preparing the report;

(c) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(d) The radioactive material in the source;

(e) The initial or current source strength in becquerels (curies);

(f) The date for which the source strength is reported;

(g) The disassemble date of the source.

(5) Each licensee who disposes of a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

- (a) The name, address, and license number of the reporting licensee;
- (b) The name of the individual preparing the report;
- (c) The waste manifest number;
- (d) The container identification with the nationally tracked source.
- (e) The date of disposal; and
- (f) The method of disposal.

(6) The National Source Tracking Transaction Report discussed in subsections (1) through (5) of this section must be submitted to the NRC by the close of the next business day after the transaction. A single report may be submitted for multiple sources and transactions. The reports must be submitted to the National Source Tracking System by using:

- (a) The on-line National Source Tracking System;
- (b) Electronically using a computer-readable format;
- (c) By facsimile;
- (d) By mail to the address on the NRC Form 748 National Source Tracking Transaction Report Form; or
- (e) By telephone with followup by facsimile or mail.

(7)(a) Each licensee shall correct any error in previously filed reports or file a new report for any missed transaction within 5 business days of the discovery of the error or missed transaction. Such errors may be detected by a variety of methods such as administrative reviews or by physical inventories required by regulation.

(b) In addition, every year each licensee shall reconcile the inventory of nationally tracked sources possessed by the licensee against that licensee's data in the National Source Tracking System. The reconciliation must be conducted during the month of January in each year. The reconciliation process must include resolving any discrepancies between the National Source Tracking System and the actual inventory by filing the reports identified by subsections (1) through (5) of this section. In order to reconcile each transaction, the licensee shall file a report for missed transactions or file a corrected report for previously submitted reports containing inaccuracies. By January 31 of each year, each licensee must submit to the National Source Tracking System confirmation that the data in the National Source Tracking System is correct.

(8) Each licensee that possesses Category 1 nationally tracked sources shall report its initial inventory of Category 1 nationally tracked sources to the National Source Tracking System by January 31, 2009 or as specified in 10 C.F.R. 20.2207(h), whichever is the latest. Each licensee that possesses Category 2 nationally tracked sources shall report its initial inventory of Category 2 nationally tracked sources to the National Source Tracking System by January 31, 2009 or as

specified in 10 C.F.R. 20.2207(h), whichever is the latest. The information may be submitted by using any of the methods identified by paragraphs (6)(a) through (e) of this section. The initial inventory report must include the following information: (Pursuant to Section 120.54(6) Florida Statutes, subsection 64E-5.350(8), F.A.C., is substantively identical to 10 CFR 20.2207(h) effective 10/19/2007.)

- (a) The name, address, and license number of the reporting licensee;
- (b) The name of the individual preparing the report;
- (c) The manufacturer, model, and serial number of each nationally tracked source or, if not available, other information to uniquely identify the source;
- (d) The radioactive material in the sealed source;
- (e) The initial or current source strength in becquerels (curies); and
- (f) The date for which the source strength is reported.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051, 404.081 FS. History—New _____.

64E-5.351 Nationally Tracked Source Thresholds.

The nationally tracked source thresholds are listed in table 1 below with the Terabecquerel (TBq) values as the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only and are rounded after conversion. (Pursuant to Section 120.54(6), Florida Statutes, Rule 64E-5.351, F.A.C., is substantively identical to Appendix E to 10 CFR Part 20 effective 02/06/2007.)

Table 1

Radioactive material	Category 1 (TBq)	Category 1 (Ci)	Category 2 (TBq)	Category 2 (Ci)
Actinium-227	20	540	0.2	5.4
Americium-24	60	1,600	0.6	16
Americium-241/Be	60	1,600	0.6	16
Californium-252	20	540	0.2	5.4
Cobalt-60	30	810	0.3	8.1
Curium-244	50	1,400	0.5	14
Cesium-137	100	2,700	1	27
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,200	0.8	22
Plutonium-238	60	1,600	0.6	16
Plutonium-239/Be	60	1,600	0.6	16
Polonium-210	60	1,600	0.6	16
Promethium-147	40,000	1,100,000	400	11,000
Radium-226	40	1,100	0.4	11
Selenium-75	200	5,400	2	54
Strontium-90	1,000	27,000	10	270
Thorium-228	20	540	0.2	5.4
Thorium-229	20	540	0.2	5.4
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051, 404.081 FS. History—New _____.

PART IV
 RADIATION SAFETY REQUIREMENTS FOR LICENSEES
 AND REGISTRANTS FOR INDUSTRIAL
 RADIOGRAPHIC OPERATIONS
 SUBPART D
 EQUIPMENT CONTROL

64E-5.430 Inspection and Maintenance.

(1) No change.

(2) Each licensee or registrant shall have written procedures and perform equipment inspection and maintenance as described below. (Pursuant to Section 120.54(6), Florida Statutes, subsection 64E-5.430(2), F.A.C., is substantively identical to 10 CFR 34.31(b) published on 01/01/2007.)

(a) through (b) No change.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1), (4), 404.081(1) FS. History—New 9-11-01, Amended _____.

64E-5.440 Records.

(1) No change.

(2) Each licensee or registrant shall maintain the following records until the Department terminates the license or registration requiring the record:

(a) through (c) No change.

(d) Radiographer certification documents specified in paragraphs 64E-5.434(2)(d)(e)-(f), F.A.C., and verification of certification status;

(e) through (h) No change.

(3) No change.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1), (4), 404.081(1), 404.20 FS. History—New 9-11-01, Amended 9-28-06, _____.

64E-5.441 Reporting Requirements.

(1) through (3) No change.

(4) Any licensee conducting radiographic operations or storing radioactive material at any location not listed on the license for a period in excess of 180 days in a calendar year, shall notify the Department prior to exceeding the 180 days. (Pursuant to Section 120.54(6), Florida Statutes, subsection 64E-5.441(4), F.A.C., is substantively identical to 10 CFR 34.101(c) published on 01/01/2007.)

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1), (4), 404.081(1) FS. History—New 9-11-01, Amended 9-28-06, _____.

PART XI
 RADIATION SAFETY REQUIREMENTS FOR
 WIRELINE SERVICE OPERATIONS
 AND SUBSURFACE TRACER STUDIES
 SUBPART A
 EQUIPMENT CONTROL

64E-5.11072 Energy Compensation Source.

The licensee can use an ECS that is contained within a logging tool or other tool components only if the ECS contains 100 microcuries (3.7 MBq) or less of licensed material.

(1) For well logging applications with a surface casing for protecting fresh water aquifers, use of the ECS is subject only to the requirements specified in Rules 64E-5.1104, 64E-5.1105~~7~~, and 64E-5.1106, F.A.C., above.

(2) No change.

Specific Authority 404.051, 404.061, 404.071, 404.081 FS. Law Implemented 404.022, 404.051(1), (4), (6), 404.061(2), 404.071(1), 404.081(1) FS. History—New 9-28-06, Amended _____.

64E-5.1501 Purpose and Scope ~~Transportation of Radioactive Material.~~

(1) No change.

(2) Determinations and listings of A₁ and A₂ values are found in 10 C.F.R., Part 71, Appendix A as published on 01/01/2007, which is herein incorporated by reference and is available from the department.

(3) The regulations in this part apply to any licensee authorized by specific or general license issued by the department to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the license, or transports that material on public highways. No provision of this part authorizes possession of licensed material.

(4) Definition of terms used in this part are those listed in Rule 64E-5.1502, F.A.C., as described in 49 C.F.R. and 10 C.F.R. 71.4, except that whenever a definition refers to evaluation or approval by the U.S. Department of Transportation or NRC, and such evaluation or approval is within the jurisdiction of the State of Florida as an Agreement State, the Department shall perform the evaluation or approval.

Specific Authority 404.051, 404.20 FS. Law Implemented 404.022, 404.051(1), (4), (6), (11), 404.20(1) FS. History—New 7-17-85, Amended 5-15-96, Formerly 10D-91.2001, Amended _____.

64E-5.1502 Transportation of Radioactive Material.

(1) No change.

(2) Each licensee who transports radioactive material outside of the confines of his facility or other place of use, or who offers radioactive material to a carrier for transport shall:

(a) Comply with the current applicable requirements, appropriate to the mode of transport, of 49 C.F.R. Parts 107, 171-180, 173, 177, 383, and 390-397 published on 10/01/2007, and 10 C.F.R. Part 71 published on 01/01/2007.

(b) through (c) No change.

(d) The licensee shall comply with U.S. Department of Transportation and NRC regulations in the following areas:

1. Packaging, 49 C.F.R. part 173, subparts A, B, and I;
2. Marking and labeling, 49 C.F.R. part 172, subpart D, §§172.400 through 172.407, §§172.436 through 172.441 of subpart E;

3. Placarding, 49 C.F.R. part 172, subpart F, especially §§172.500 through 172.519 and 172.556, and appendices B and C;

4. Accident reporting, 49 C.F.R. part 171, §§171.15 and 171.16;

5. Shipping papers and emergency information, 49 C.F.R. part 172, subparts C and G;

6. Hazardous material employee training, 49 C.F.R. part 172, subpart H;

7. Security plans, 49 C.F.R. part 172, subpart I;

8. Hazardous material shipper/carrier registration, 49 C.F.R. part 107, subpart G;

9. Definitions, 10 C.F.R. 71.4;

10. Transportation of licensed material, 10 C.F.R. 71.5;

11. Exemptions for low level material, 10 C.F.R. 71.14(a);

12. General license, NRC-approved package, 10 C.F.R. 71.17;

13. Previously approved package, 10 C.F.R. 71.19(a) and (b);

14. General license, U.S. Department of Transportation specification container material, 10 C.F.R. 71.20;

15. General license, Use of foreign approved package, 10 C.F.R. 71.21;

16. General license, Fissile material, 10 C.F.R. 71.22;

17. External radiation standards for all packages, 10 C.F.R. 71.47;

18. Assumptions as to unknown properties, 10 C.F.R. 71.83;

19. Preliminary determinations, 10 C.F.R. 71.85;

20. Routine determinations, 10 C.F.R. 71.87;

21. Air transportation of plutonium, 10 C.F.R. 71.88;

22. Opening instructions, 10 C.F.R. 71.89;

23. Advance notification of shipment of irradiated reactor fuel and nuclear waste, 10 C.F.R. 71.97;

24. Quality assurance requirements, 10 C.F.R. 71.101(a),

(b), (c), (f) and (g);

25. Quality assurance organization, 10 C.F.R. 71.103;

26. Quality assurance program, 10 C.F.R. 71.105;

27. Exemption of physicians, 10 C.F.R. 71.13;

28. Handling storage and shipping control, 10 C.F.R. 71.127;

29. Inspection tests and operating status, 10 C.F.R. 71.129;

30. Nonconforming materials parts or components, 10 C.F.R. 71.131;

31. Corrective action, 10 C.F.R. 71.13;

32. Quality assurances records, 10 C.F.R. 71.135;

33. Audits, 10 C.F.R. 71.137;

34. Appendix A to Part 71; and

35. General license plutonium beryllium special form material.

(e) The licensee shall also comply with U.S. Department of Transportation regulations pertaining to the following modes of transportation:

1. Rail, 49 C.F.R. part 174, subparts A through D and K;

2. Air, 49 C.F.R. part 175;

3. Vessel, 49 C.F.R. part 176, subparts A through F and M; and

4. Public Highway, 49 C.F.R. part 177 and parts 390 through 397.

(3) If U.S. Department of Transportation regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the U.S. Department of Transportation specified in paragraph (2) of this section to the same extent as if the shipment or transportation were subject to U.S. Department of Transportation regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Department.

Specific Authority 404.051, 404.061, 404.141, 404.20 FS. Law Implemented 404.022, 404.051(1), (4), (6), (11), 404.061(2), 404.141, 404.20(1) FS. History—New 7-17-85, Formerly 10D-91.2003, Amended 10-8-00, 9-28-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William A. Passetti

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Conti

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2007

DATE PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.: RULE TITLES:

65E-5.100 Definitions

65E-5.180 Right to Quality Treatment

PURPOSE AND EFFECT: The purpose and effect of these rule revisions is to implement the provisions of Section 394.457(5)(b), F.S., regarding seclusion and restraint use in mental health facilities and programs. Section 394.457(5)(b),

F.S., requires the department to adopt rules governing the use of seclusion and restraint in mental health facilities. The proposed revisions are to comply with this statutory requirement.

SUMMARY: The proposed rule shall clarify the subject area addressed is Section 394.457(5)(b), F.S. The department must adopt rules governing the use of seclusion and restraint. The rule must: include provisions governing the use of restraint and seclusion which are consistent with recognized best practices and professional judgment; prohibit inherently dangerous restraint or seclusion procedures; establish limitations on the use and duration of restraint and seclusion; establish measures to ensure the safety of program participants and staff during an incident of restraint or seclusion; establish procedures for staff to follow before, during, and after incidents of restraint or seclusion; establish professional qualifications of and training for staff who may order or be engaged in the use of restraint or seclusion; and establish mandatory reporting, data collection, and data dissemination procedures and requirements; and require that each instance of the use of restraint or seclusion be documented in the record of the patient.

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

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.

SPECIFIC AUTHORITY: 394.457(5)(b), 394.46715 FS.

LAW IMPLEMENTED: 394.455(1), 394.457, 394.4573(1)(b), 394.459(2), 394.459(2)(d), 394.459(4), 394.4625, 394.4655, 394.467, 401.455, 491, 765.401 FS.

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

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 3 days before the workshop/meeting by contacting: Wendy Scott, 1317 Winewood Blvd., Bldg. 6, Room 227, Tallahassee, Florida 32399-0700, (850)413-7282 or Wendy_Scott@dcf.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 RULES IS: Wendy Scott, 1317 Winewood Blvd., Bldg. 6, Room 227, Tallahassee, Florida 32399-0700, (850)413-7282 or Wendy_Scott@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

MENTAL HEALTH ACT REGULATION

65E-5.100 Definitions.

As used in this chapter the following words and phrases have the following definitions:

(1) through (10) No change.

(11) Personal Safety Plan is a form used to document information regarding calming strategies that the person identifies as being helpful in avoiding a crisis. The plan also lists triggers that are identified that may signal or lead to agitation or distress.

~~(12)(14)~~ Pro re nata (PRN) means an individualized order for the care of an individual person which is written after the person has been seen by the practitioner, which order sets parameters for attending staff to implement according to the circumstances set out in the order. A PRN order shall not be used as an emergency treatment order.

~~(13)(12)~~ Protective medical devices mean a specific category of medical restraint that includes devices, or combinations of devices, to restrict movement for purposes of protection from falls or complications of physical care, such as geri-chairs, posey vests, mittens, belted wheelchairs, sheeting, and bed rails. The requirements for the use and documentation of use of these devices are for specific medical purposes rather than for behavioral control.

~~(13) Restraint means the immobilization of a person's body in order to restrict free movement or range of motion, whether by physical holding or by use of a mechanical device. For purposes of this chapter, restraint includes all applications of such procedures, specifically including emergency treatment orders and emergency medical procedures which includes protective medical devices for ambulating safety, or furniture used to protect mobility-impaired persons from falls and injury. The use of walking restraints when used during transportation under the supervision of trained staff is not considered restraint.~~

(14) Recovery Plan may also be referred to as a "service plan," or "treatment plan." A recovery plan is a written plan developed by the person and his or her recovery team to facilitate achievement of the person's recovery goals. This plan is based on assessment data, identifying the person's clinical, rehabilitative and activity service needs, the strategy for meeting those needs, documented treatment goals and objectives, and documented progress in meeting specified goals and objectives. Seclusion means an emergency response in which, as a means of controlling a person's immediate symptoms or behavior, the person's ability to move about freely has been limited by staff or in which a person has been physically segregated in any fashion from other persons. Seclusion requires a written emergency treatment order by a physician except as described and authorized in Rule 65E-5.1602, F.A.C., of this rule chapter.

(15) Recovery Team may also be referred to as “service team,” or “treatment team.” A recovery team is an assigned group of individuals with specific responsibilities identified on the recovery plan who support and facilitate a person’s recovery process. Team members may include the person, psychiatrist, guardian/guardian advocate, community case manager, family member, peer specialist and others as determined by the person’s needs and preferences.

(16) Restraint for behavior management purposes is defined in Section 394.455(28)(a), F.S. A drug used as a restraint is defined in Section 394.455(28)(b), F.S. Physically holding a person during a procedure to forcibly administer psychotropic medication is a physical restraint.

(17) Seclusion for behavior management purposes is defined in Section 394.455(29), F.S.

(18) Seclusion and Restraint Oversight Committee is a group of people at an agency or facility that monitors the use of seclusion and restraint at the facility. This committee is intended to assist in the reduction of seclusion and restraint use at the agency or facility. Membership includes, but is not limited to, the facility administrator/designee, medical staff, quality assurance staff, and a peer specialist or advocate, if employed by the facility or otherwise available. If no such person is employed by the facility, an external peer specialist or advocate may be appointed.

(19)(15) Standing order means a broad protocol or delegation of medical authority that is generally applicable to a group of persons, hence not individualized. As limited by this chapter, it prohibits improper delegations of authority to staff that are not authorized by the facility, or not permitted by practice licensing laws, to independently make such medical decisions; such as decisions involving determination of need, medication, routes, dosages for psychotropic medication, or use of restraints or seclusion upon a person.

Specific Authority 394.457(5), 394.46715 FS. Law Implemented 394.455(1), 394.457, 394.4573(1)(b), 394.459(2), 394.4625, 394.4655, 394.467, 491, 765.101, 765.401 FS. History—New 11-29-98, Amended 4-4-05,_____.

65E-5.180 Right to Quality Treatment.

The following standards shall be required in the provision of quality mental health treatment:

(1) through (6) No change.

(7) Bodily Control and Physical Management Techniques.

(a) All staff who have contact with persons served by the facility shall receive training, prior to providing direct services or assessment to persons in the facility, in:

1. Verbal de-escalation techniques designed to reduce confrontation; and

2. Use of bodily control and physical management techniques based on a team approach.

(b) All staff who have contact with persons served by the facility shall receive training in safe and effective techniques that are alternatives to seclusion and restraint for managing violent behavior. Training shall include techniques that are consistent with the age of persons served by the facility.

(c) Less restrictive verbal de-escalation interventions shall be employed before physical interventions, unless physical injury is imminent. Recommended form CF MH 3124, Feb. 05, “Personal Safety Plan,” which is incorporated by reference and may be obtained pursuant to Rule 65E-5.120, F.A.C., of this rule chapter may be used for the purpose of guiding individualized intervention techniques. If used, this form shall be completed at admission.

(d) PRNs for the use of seclusion or restraints are not permitted.

(e) Each facility shall have written policies and procedures specifying the frequency of providing drink, toileting, and check of bodily positioning to avoid traumatizing persons and retaining the person’s maximum degree of dignity and comfort during the use of bodily control and physical management techniques.

(8) Isolation.

(a) Isolation means involuntarily imposed segregation of the person from others for a period of up to 15 minutes per event. A person in isolation shall not be behind closed doors. Isolation does not require a physician’s order.

(b) When a person requires more than a total of 60 minutes of segregation in a 24-hour period, a physician’s order for seclusion is required.

(c) Each use of isolation shall be documented in the person’s clinical record.

(7) Seclusion and Restraint for Behavior Management Purposes. All facilities, as defined in Section 394.455(10), F.S., are required to adhere to the standards and requirements of subsection (7).

(a) General Standards.

1. Each facility will provide a therapeutic milieu that supports a culture of recovery and individual empowerment and responsibility. Each person will have a voice in determining his or her treatment options. Treatment will foster trusting relationships and partnerships for safety between staff and individuals. Facility practices will be particularly sensitive to persons with a history of trauma.

2. The health and safety of the person shall be the primary concern at all times.

3. Seclusion or restraint shall be employed only in emergency situations when necessary to prevent a person from seriously injuring self or others, and less restrictive techniques have been tried and failed, or if it has been clinically determined that the danger is of such immediacy that less restrictive techniques cannot be safely applied.

4. There is a high prevalence of past traumatic experience among persons who receive mental health services. The response to trauma can include intense fear and helplessness, a reduced ability to cope, and an increased risk to exacerbate or develop a range of mental health and other medical conditions. The experience of being placed in seclusion or being restrained is potentially traumatizing. Seclusion and restraint practices shall be guided by the following principles of trauma-informed care: assessment of traumatic histories and symptoms; recognition of culture and practices that are re-traumatizing; processing the impact of a seclusion or restraint with the person; and addressing staff training needs to improve knowledge and sensitivity.

5. When a person demonstrates a need for immediate medical attention in the course of an episode of seclusion or restraint, the seclusion or restraint shall be discontinued, and immediate medical attention shall be obtained.

6. Persons will not be restrained in a prone position. Prone containment will be used only when required by the immediate situation to prevent imminent serious harm to the person or others. To reduce the risk of positional asphyxiation, the person will be repositioned as quickly as possible.

7. Responders will pay close attention to respiratory function of the person during containment and restraint. All staff involved will observe the person's respiration, coloring, and other possible signs of distress and immediately respond if the person appears to be in distress. Responding to the person's distress may include repositioning the person, discontinuing the seclusion or restraint, and/or summoning medical attention, as necessary.

8. Objects that impair respiration shall not be placed over a person's face. In situations where precautions need to be taken to protect staff, staff may wear protective gear.

9. Unless necessary to prevent serious injury, a person's hands shall not be secured behind the back during containment or restraint.

10. The use of walking restraints is prohibited except for purposes of off-unit transportation and may only be used under direct observation of trained staff. In this instance, direct observation means that staff maintains continual visual contact of the person and is within close physical proximity to the person at all times.

11. The person shall be released from seclusion or restraint as soon as he or she is no longer an imminent danger to self or others.

12. Seclusion or restraint use shall not be based on the person's seclusion or restraint use history or solely on a history of dangerous behavior. Dangerous behaviors include those behaviors that jeopardize the physical safety of oneself or others.

13. Seclusion and restraint may not be used simultaneously for children less than 18 years of age.

14. A person who is restrained must not be located in areas, whenever possible, subject to view by persons other than involved staff or where exposed to potential injury by other persons. This does not apply to the use of walking restraints.

15. Each facility utilizing seclusion or restraint procedures shall establish and utilize a Seclusion and Restraint Oversight Committee.

(b) Staff training.

1. Staff must be trained as part of orientation and subsequently on at least an annual basis. Staff responsible for the following actions will demonstrate relevant competency in the following areas before participating in a seclusion or restraint event or related assessment, or before monitoring or providing care during an event:

a. Strategies designed to reduce confrontation and to calm and comfort people, including the development and use of a personal safety plan.

b. Use of nonphysical intervention skills as well as bodily control and physical management techniques, based on a team approach, to ensure safety.

c. Observing for and responding to signs of physical and psychological distress during the seclusion or restraint event.

d. Safe application of restraint devices.

e. Monitoring the physical and psychological well-being of the person who is restrained or secluded, including but not limited to: respiratory and circulatory status, skin integrity, vital signs, and any special requirements specified by facility policy associated with the one hour face-to-face evaluation.

f. Clinical identification of specific behavioral changes that indicate restraint or seclusion is no longer necessary.

g. The use of first aid techniques, and

h. Certification in the use of cardiopulmonary resuscitation, including required periodic recertification. The frequency of training for cardiopulmonary resuscitation will be in accordance with certification requirements, notwithstanding provision subparagraph (7)(b)1.

(c) Prior to the Implementation of Seclusion or Restraint.

1. Prior intervention shall include individualized therapeutic actions such as those identified in a personal safety plan (such as recommended form CF-MH 3124) that address individual triggers leading to psychiatric crisis. Prior interventions may also include verbal de-escalation and calming strategies. Non physical interventions shall be the first choice unless safety issues require the use of physical intervention.

2. A personal safety plan shall be completed or updated as soon as possible after admission and filed in the person's medical record.

a. This form shall be reviewed by the recovery team, and updated if necessary, after each incident of seclusion or restraint.

b. Specific intervention techniques from the personal safety plan that are offered or used prior to a seclusion or restraint event shall be documented in the person's medical record after each use of seclusion or restraint.

c. All staff shall be aware of and have ready access to each person's personal safety plan.

(d) Implementation of Seclusion or Restraint.

1. A registered nurse or highest level staff member, as specified by written facility policy, who is immediately available and who is trained in seclusion and restraint procedures may initiate seclusion or restraint in an emergency when danger to oneself or others is imminent. An order for seclusion or restraint must be obtained from the physician or Advanced Registered Nurse Practitioner (ARNP)/Physician's Assistant (PA), if permitted by the facility to order seclusion and restraint and stated within their professional protocol. The treating physician must be consulted as soon as possible if the seclusion or restraint was not ordered by the person's treating physician.

2. An examination of the person will be conducted within one hour by the physician or may be delegated to an Advanced Registered Nurse Practitioner, Physician's Assistant, or Registered Nurse (RN), if authorized by the facility and trained in seclusion and restraint procedures as described in paragraph (7)(b). This examination shall include a face-to face assessment of the person's medical and behavioral condition, a review of the clinical record for any pre-existing medical diagnosis and/or physical condition which may contraindicate the use of seclusion or restraint, a review of the person's medication orders including an assessment of the need to modify such orders during the period of seclusion or restraint, and an assessment of the need or lack of need to elevate the person's head and torso during restraint. The comprehensive examination must determine that the risks associated with the use of seclusion or restraint are significantly less than not using seclusion or restraint and whether to continue or terminate the intervention. A licensed psychologist may conduct only the behavioral assessment portion of the comprehensive assessment if authorized by the facility and trained in seclusion and restraint procedures as described in paragraph (7)(b). Documentation of the comprehensive examination, including the time and date completed, shall be included in the person's medical record. If the face to face evaluation is conducted by a trained Registered Nurse, the attending physician who is responsible for the care of the person must be consulted as soon as possible after the evaluation is completed.

3. Each written order for seclusion or restraint is limited to four hours for adults, age 18 and over; two hours for children and adolescents age nine through 17; or one hour for children under age nine. A seclusion or restraint order may be renewed in accordance with these limits for up to a total of 24 hours, after consultation and review by a physician/ARNP/PA in person, or by telephone with a Registered Nurse who has

physically observed and evaluated the person. When the order has expired after 24 hours, a physician/ARNP/PA must see and assess the person before seclusion or restraint can be re-ordered. The results of this assessment must be documented. Seclusion or restraint use exceeding 24 hours requires the notification of the Facility Administrator or designee.

4. All orders must be signed within 24 hours of the initiation of seclusion or restraint.

5. The order shall include the specific behavior prompting the use of seclusion or restraint, the time limit for seclusion or restraint, and the behavior necessary for the person's release. Additionally, for restraint, the order shall contain the type of restraint ordered and the positioning of the person, including possibly elevating the person's head for respiratory and other medical safety considerations. Consideration shall be given to age, physical fragility, and physical disability when ordering restraint type.

6. An order for seclusion or restraint shall not be issued as a standing order or on an as-needed basis.

7. In order to protect the safety of each person served by a facility, each person shall be searched for contraband before or immediately after being placed into seclusion or restraints.

8. The person shall be clothed appropriately for temperature and at no time shall a person be placed in seclusion or restraint in a nude or semi-nude state.

9. Every secluded or restrained person shall be immediately informed of the behavior that resulted in the seclusion or restraint and the behavior and the criteria reflecting absence of imminent danger that is necessary for release.

10. For persons under the age of 18, the facility must notify the parent(s) or legal guardian(s) of the person who has been restrained or placed in seclusion as soon as possible, but no later than 24 hours, after the initiation of each seclusion or restraint event. This notification must be documented in the person's medical record, including the date and time of notification and the name of the staff person providing the notification.

11. For each use of seclusion or restraint, the following information shall be documented in the person's medical record: the emergency situation resulting in the seclusion or restraint event; alternatives or other less restrictive interventions attempted, as applicable, or the clinical determination that less restrictive techniques could not be safely applied; the name and title of the staff member initiating the seclusion or restraint; the date/time of initiation and release; the person's response to seclusion or restraint, including the rationale for continued use of the intervention; and that the person was informed of the behavior that resulted in the seclusion or restraint and the criteria necessary for release.

(e) During Seclusion or Restraint Use.

1. When restraint is initiated, nursing staff shall see and assess the person as soon as possible but no later than 15 minutes after initiation and at least every hour thereafter. The assessment shall include checking the person's circulation and respiration, including necessary vital signs (pulse and respiratory rate at a minimum).

2. The person over age 12 who is secluded shall be observed by trained staff every 15 minutes. At least one observation an hour will be conducted by a nurse. Restrained persons must have continuous observation by trained staff. Secluded children age 12 and under must be monitored continuously by face to face observation or by direct observation through the seclusion window for the first hour and then at least every 15 minutes thereafter.

3. Monitoring the physical and psychological well-being of the person who is secluded or restrained shall include but is not limited to: respiratory and circulatory status; signs of injury; vital signs; skin integrity; and any special requirements specified by facility policies. This monitoring shall be conducted by trained staff as required in paragraph (7)(b).

4. During each period of seclusion or restraint, the person must be offered reasonable opportunities to drink and toilet as requested. In addition, the person who is restrained must be offered opportunities to have range of motion at least every two hours to promote comfort. Each facility shall have written policies and procedures specifying the frequency of providing drink, toileting, and check of bodily positioning to avoid traumatizing a person and retaining the person's maximum degree of dignity and comfort during the use of bodily control and physical management techniques.

5. Documentation of the observations and the staff person's name shall be recorded at the time the observation takes place.

(f) Release from Seclusion or Restraint and Post-Release Activities.

1. Release from seclusion or restraint shall occur as soon as the person no longer appears to present an imminent danger to themselves or others. Upon release from seclusion or restraint, the person's physical condition shall be observed, evaluated, and documented by trained staff. Documentation shall also include: the name and title of the staff releasing the person; and the date and time of release.

2. After a seclusion or restraint event, a debriefing process shall take place to decrease the likelihood of a future seclusion or restraint event for the person and to provide support.

a. Each facility shall develop policies to address:

(i) A review of the incident with the person who was secluded or restrained. The person shall be given the opportunity to process the seclusion or restraint event as soon as possible but no longer than within 24 hours of release. This debriefing discussion shall take place between the person and either the recovery team or another preferred staff member. This review shall seek to understand the incident within the

framework of the person's life history and mental health issues. It should assess the impact of the event on the person and help the person identify and expand coping mechanisms to avoid the use of seclusion or restraint in the future. The discussion will include constructive coping techniques for the future. A summary of this review should be documented in the person's medical record.

(ii) A review of the incident with all staff involved in the event and supervisors or administrators. This review shall be conducted as soon as possible after the event and shall address: the circumstances leading to the event, the nature of de-escalation efforts and/or alternatives to seclusion and restraint attempted, staff response to the incident, and ways to effectively support the person's constructive coping in the future and avoid the need for future seclusion or restraint. The outcomes of this review should be documented by the facility for purposes of continuous performance improvement and monitoring. The review findings will be forwarded to the Seclusion and Restraint Oversight Committee, and

(iii) Support for other persons served and staff, as needed, to return the unit to a therapeutic milieu.

b. Within 2 working days after any use of seclusion or restraint, the recovery team shall meet and review the circumstances preceding its initiation and review the person's recovery plan and personal safety plan to determine whether any changes are needed in order to prevent the further use of seclusion or restraint. The recovery team shall also assess the impact the event had on the person and provide any counseling, services, or treatment that may be necessary as a result. The recovery team shall analyze the person's clinical record for trends or patterns relating to conditions, events, or the presence of other persons immediately before or upon the onset of the behavior warranting the seclusion or restraint, and upon the person's release from seclusion. The recovery team shall review the effectiveness of the emergency intervention and develop more appropriate therapeutic interventions. Documentation of this review shall be placed in the person's clinical record.

c. The Seclusion and Restraint Oversight Committee shall conduct timely reviews of each use of seclusion and restraints and monitor patterns of use, for the purpose of assuring least restrictive approaches are utilized to prevent or reduce the frequency and duration of use.

(g) Reporting.

1. All facilities, as defined in Section 394.455(10), Florida Statutes, are required to report each seclusion and restraint event to the Department of Children and Families. This reporting shall be done electronically using the Department's web-based application either directly via the data input screens or indirectly via the File Transfer Protocol batch process. The required reporting elements are: Provider tax identification number; Person's social security number and identification number; date and time the seclusion or restraint event was

initiated; discipline of the person ordering the seclusion or restraint; discipline of the person implementing the seclusion or restraint; reason seclusion or restraint was initiated; type of restraint used; whether significant injuries were sustained by the person; and date and time seclusion or restraint was terminated. Facilities shall report seclusion and restraint events on a monthly basis. Events that result in death or significant injury either to a staff member or person shall be reported to the department's web based system in accordance with department operating procedures.

2. All facilities that are subject to the Conditions of Participation for Hospitals, part 482 under the Centers for Medicare and Medicaid Services (CMS), must report to CMS any death that occurs in the following circumstances:

a. While a person is restrained or secluded

b. Within 24 hours after release from seclusion or restraint,

c. Within one week after seclusion or restraint, where it is reasonable to assume that use of the seclusion or restraint contributed directly or indirectly to the person's death.

Each death described in this section shall be reported to CMS by telephone no later than the close of business the next business day following knowledge of the persons' death. A report shall simultaneously be submitted to the Mental Health Program Office headquarters in Tallahassee, FL. The address is: 1317 Winewood Blvd., Tallahassee, FL 32399-0700. A contact person to receive these notices will be appointed.

3. The Department shall collect and review the data on a monthly basis. The Director of Mental Health shall be informed of any deaths or significant injuries related to seclusion or restraint and significant trends regarding seclusion and restraint use.

(h) Nothing herein shall affect the ability of emergency medical technicians, paramedics or physicians or any person acting under the direct medical supervision of a physician to provide examination or treatment of incapacitated persons in accordance with Section 401.445, F.S.

(9) Seclusion-

(a) As used in this subsection, seclusion means any time a person's ability to move about freely has been limited by staff or the person has been segregated in any fashion from other persons, as a means of controlling the person's immediate symptoms or behavior. The seclusion process shall evidence consideration that alternatives such as those listed in recommended form CF-MH 3124, "Personal Safety Plan," as referenced in paragraph 65E-5.180(7)(e), F.A.C., have been considered by implementing staff. In order to enhance safety of all persons served by the facility, each person shall be searched for contraband before ordering the person into seclusion.

(b) Isolation shall be attempted prior to imposing seclusion, whenever possible.

(c) In order to assure safety, a written order by a physician shall be required for each use of seclusion.

(d) In an emergency, any registered nurse or the highest level staff member who is immediately available and who is trained in seclusion procedures, may initiate seclusion if in accord with specific written facility policies. If imposed without a prior written order, an order must be obtained from a physician and written within 1 hour after initiation of seclusion or the person must be immediately released from seclusion. All verbal orders for seclusion must be signed within 24 hours after the initiation of seclusion by an authorizing physician. If seclusion is initiated by a staff member other than an advanced registered nurse practitioner or a

registered nurse, an advanced registered nurse practitioner or a registered nurse shall assess the need for seclusion and document it in the chart within 15 minutes of initiation. Persons released from seclusion due to the lack of an order or without the nursing assessment may not again be ordered into seclusion within the following 12 hours without an accompanying order.

(e) Physicians authorized by the facility to order seclusion in a receiving or treatment facility, shall exercise this authority under the oversight of the facility's medical oversight committee.

(f) Where seclusion is ordered, it may only be ordered by a physician and it may be ordered for a period up to:

1. One hour for minors under 9 years of age;

2. Two hours for minors 9 years of age up to the age of 18; and

3. Four hours for adults.

(g) A seclusion order may be extended, if the emergency continues to exist, by repeating these timeframes after review by a physician or advanced registered nurse practitioner.

(h) Where seclusion is to be used upon the occurrence of specific behavior, this intervention must comply with the provisions of Rule 65E-5.1602, F.A.C., of this rule chapter.

(i) Each use of seclusion and the name of the person initiating the seclusion must be documented in a unit log book or similar automated registry maintained for this purpose; each use and explicit reason for seclusion shall also be recorded in the person's clinical record. Upon initiation of seclusion, the log book shall sequentially record all uses of seclusion, and for each use, the date and time of initiation and release, and elapsed time.

(j) During each period of seclusion, the person must:

1. Be offered opportunity to drink and to toilet as requested, and to have range of motion as needed;

2. Be observed by staff trained in this function at least every 15 minutes, for injury and respiration, and the findings immediately documented. Documentation of the observations and the staff person's name shall be recorded at the time the observation takes place. At least once every hour, such documented observation shall be conducted by a nurse.

(k) Every secluded person shall be immediately informed of the behavior that caused his or her seclusion and the behavior and conditions necessary for their release. It shall be documented in the person's clinical record that the person was informed of the cause of his or her seclusion and the conditions necessary for release.

(l) Facilities shall develop and staff shall use criteria to guide early termination from seclusion. When seclusion is terminated early and the same symptomatic behavior which caused the application of seclusion is still evident, the original order can be reapplied.

(m) Upon release from seclusion, the person's physical condition shall be observed, evaluated, and documented. After the person's release, a therapeutic debriefing led by a senior staff member not involved in the incident, shall take place to review the existing documentation of the incident, interview staff and other's present during the incident to determine what alternative interventions could have been used. The person released from seclusion shall be included in the debriefing unless a physician documents that the person's presence at the debriefing is not in the person's best interest. The results of this debriefing shall be documented in the person's clinical record.

(n) If 2 or more incidents of seclusion of a person are necessary within a 24-hour period, the treatment team shall analyze the person's clinical record for trends or patterns relating to conditions, events, or individuals present immediately before or upon the onset of the behavior warranting the seclusion, and of the conditions presented upon the person's release from seclusion. The treatment team shall review the effectiveness of the emergency intervention and develop more appropriate therapeutic interventions. Documentation of this review shall be placed in the person's clinical record.

(10) Restraints.

(a) In imposing restraints on a person, use of age and physical fragility sensitive techniques shall be utilized. If a device is used for age or fragility reasons, it should be so documented in the person's clinical record.

(b) Walking restraints may only be used during transportation under the supervision of trained staff. The use of walking restraints is prohibited except for purposes of off-unit transportation.

(c) Restraints are an emergency psychiatric measure to be used only for the immediate physical protection of the person or others and may be imposed only upon the order of a physician. The order shall include the specific behavior prompting the use of restraints, the type of restraint ordered, time limit for restraint use, the positioning of the person for respiratory and other medical safety considerations, and the behavior necessary for the person's release from restraint. Any use of restraint shall be in accordance with the federal regulations governing hospital conditions of participation for patients' rights found in 42 CFR 482.13 and with facility

policies and procedures which shall require staff proficiency in age and fragility sensitive appropriate techniques, including medical risk considerations of positioning the person. The restraint process shall evidence consideration that individual's choice alternatives as identified in the recommended form CF-MH 3124, "Personal Safety Plan," as referenced in paragraph 65E-5.180(7)(c), F.A.C., have been considered.

(d) In an emergency, a registered nurse or the highest level staff member who is immediately available and who is trained in restraint procedures, may initiate restraints. However, an order by a physician must be obtained and written within the person's clinical record within one hour after initiation or the person must be immediately released from the restraints. If restraints are initiated by a staff member other than a nurse, the nurse shall assess the need for restraints and document it in the chart within 15 minutes after initiation. All orders for restraint must be signed within 24 hours after the initiation of the restraints.

(e) If a physician is authorized to order restraints in a receiving or treatment facility, such physician shall practice under the oversight of the facility's medical oversight committee.

(f) Where restraint is ordered, it may only be ordered by a physician and it may be ordered for an initial period up to:

1. One hour for minors under 9 years of age;
2. Two hours for minors 9 years of age up to the age of 18; and
3. Four hours for adults.

(g) A restraint order may be extended by repeating these timeframes, after review by a physician or an advanced registered nurse practitioner.

(h) In order to protect the safety of each person served by a facility, each person shall be:

1. Searched for contraband before or immediately after being placed into restraints; and
2. Evaluated medically to determine the need or lack of need to elevate the person's head and torso during restraint prior to placing the person into restraints. Such evaluation of the need or lack of need shall be documented in the order for restraints.

(i) Each use of restraint and the name of the person initiating the restraint must be documented in a unit log book or similar automated registry maintained for this purpose; each use and explicit reason for restraint shall also be recorded in the person's clinical record. Upon initiation of restraints, the log book shall sequentially record all uses of restraints, and for each use, the date and time of initiation, release, and elapsed time.

(j) During each period of restraint, the person must:

1. Be offered opportunity to drink and to toilet as requested, and to have range of motion as needed;

2. Be located in areas, whenever possible, not subject to view by individuals other than staff or where they are exposed to potential injury by other persons; and

~~(k) Every restrained person shall be informed of the behavior that caused his or her restraint and the behavior and conditions necessary for their release. Within 15 minutes of reaching specified criteria the person shall be released from restraints.~~3. Be observed by staff trained in this skill at least every 15 minutes, for circulation, injury, and respiration, and the findings immediately documented. Documentation of the observations and the staff person's name shall be recorded at the time the observation takes place. At least once every hour, such documented observation shall be conducted by a nurse.

~~(l) Facilities shall develop and staff shall use criteria to guide early termination from restraint. When restraint is terminated early and the same behavior which caused the application of restraints is still evident, the original order can be reappplied.~~

~~(m) Upon release from restraints, the person's physical condition shall be observed, evaluated, and documented. After the person's release, a therapeutic debriefing led by a senior staff member not involved in the incident, shall take place to review the existing documentation of the incident, interview staff and other's present during the incident to determine what alternative interventions could have been used. The person released from restraints shall be included in this debriefing unless a physician documents that the person's presence at the debriefing is not in the person's best interest. The results of this debriefing shall be documented in the person's clinical record.~~

~~(n) Since restraint is an emergency procedure, within 48 hours after any use of restraint, the circumstances preceding its imposition and the person's treatment plan must be reviewed to determine whether changes in the plan are advisable in order to prevent the further use of restraint.~~

~~(o) Nothing herein shall effect the ability of emergency medical technicians, paramedics or physicians or any person acting under the direct medical supervision of a physician to provide examination or treatment of incapacitated persons in accordance with Section 401.445, F.S.~~

~~(8)(H)~~ Use of Protective Medical Devices with Frail or Mobility Impaired Persons.

(a) When ordering safety or protective devices such as posey vests, geri-chairs, mittens, and bed rails which also restrain, facility staff shall consider alternative means of providing such safety so that the person's need for regular exercise is accommodated to the greatest extent possible.

(b) Where frequent or prolonged use of safety or protective devices are required, the person's treatment plan shall address debilitating effects due to decreased exercise levels such as circulation, skin, and muscle tone and the person's need for maintaining or restoring bowel and bladder continence.

(c) The treatment plan shall include scheduled activities to lessen deterioration due to the usage of such protective medical devices.

~~(9)(12)~~ Elevated Levels of Supervision. Receiving and treatment facilities shall ensure that where one-on-one supervision is ordered by a physician, it shall be continuous and shall not be interrupted as a result of shift changes or due to conflicting staff assignments. Such supervision shall be continuous until documented as no longer medically necessary by a physician.

~~(13) Seclusion and Restraint Oversight. Each facility utilizing seclusion or restraint procedures shall establish and utilize a committee, that includes medical staff, to conduct timely reviews of each use of seclusion and restraint, and monitor patterns of use, for the purpose of assuring least restrictive approaches are utilized to reduce the frequency and duration of use upon persons served by the facility.~~

Specific Authority 394.457(5), 394.457(5)(b) FS. Law Implemented 394, Part I, 394.459(2)(d), (4), 401.455 FS. History--New 11-29-98, Amended 4-4-05, 2-8-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wendy Scott, Government Operations Consultant III, Mental Health, Department of Children and Families

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sally Cunningham, Chief, State Mental Health Treatment Facilities, Mental Health, Department of Children and Families

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures

- 67-21.015 Use of Bonds with Other Affordable Housing Finance Programs
- 67-21.017 Transfer of Ownership
- 67-21.018 Refundings and Troubled Development Review
- 67-21.019 Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish procedures by which the Corporation shall administer the Application process, determine bond allocation amounts and implement the provisions of the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

The intent of this Rule Chapter is to encourage public-private partnerships to invest in residential housing; to stimulate the construction and rehabilitation of residential housing which in turn will stimulate the job market in the construction and related industries; and to increase and improve the supply of affordable housing in the State of Florida.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior Application Cycles to determine what changes or additions should be added to the Rule and/or Application. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply in the 2008 Application Cycle.

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

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.

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.507, 420.508, 420.509 FS.

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

DATE AND TIME: February 8, 2008, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301

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: Wayne Conner (850)488-4197. 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 RULES IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-21.002 Definitions.

(1) "Acknowledgment Resolution" means the official action taken by the Corporation to reflect its intent to finance a Development provided that the requirements of the Corporation, the terms of the MMRB Loan Commitment, and the terms of the Credit Underwriting Report are met.

(2) "Act" means the Florida Housing Finance Corporation Act, Chapter 420, Part V, F.S.

(3) "Address" means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If the address has not yet been assigned, include, at a minimum, street name and closest designated intersection, city, state and zip code.

(4) "Affiliate" means any person that (i) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant (ii) serves as an officer or director of the Applicant or of any Affiliate of the Applicant, or (iii) is the spouse, parent, child, sibling, or relative by marriage of a person described in (i) or (ii) above.

(5) "ALF" or "Assisted Living Facility" means a Florida licensed living facility that complies with Sections 429.01 through 429.54, F.S., and Rule Chapter 58A-5, F.A.C.

(6) "Annual Household Income" means the gross income of a person, together with the gross income of all persons who intend to permanently reside with such person in the Development to be financed by the Corporation, as of the date of occupancy shown on the Income Certification promulgated by the Corporation.

(7) "Applicant" means any person or legally formed entity that is seeking a loan or funding from the Corporation by submitting an Application for one of the Corporation's programs.

(8) "Application" means the forms and exhibits created by the Corporation for the purpose of providing the means to apply for one or more of the Corporation's programs. A completed Application may include additional supporting documentation provided by an Applicant.

(9) "Application Deadline" means 5:00 p.m., Eastern Time, on the final day of the Application Period.

(10) "Application Period" means a period during which Applications shall be accepted, as posted on the Corporation's website and with a deadline no less than thirty days from the beginning of the Application Period.

(11) “Board” or “Board of Directors” means the Board of Directors of the Corporation.

(12) “Bond Counsel” means the attorney or law firm retained by the Corporation to provide the specialized services generally described in the industry as the role of bond counsel.

(13) “Bond” or “Bonds” means Bond as defined in Section 420.503, F.S.

(14) “Bond Trustee” or “Trustee” means a financial institution with trust powers which acts in a fiduciary capacity for the benefit of the bond holders, and in some instances the Corporation, in enforcing the terms of the Program Documents.

(15) “Calendar Days” means the seven (7) days of the week.

(16) “Catchment Area” means the geographical area covered under a Local Homeless Assistance Continuum of Care Plan, as designated and revised as necessary by the State Office on Homelessness, in accordance with Section 420.624, F.S.

(17) “Commercial Fishing Worker” means Commercial fishing worker as defined in Section 420.503, F.S.

(18) “Commercial Fishing Worker Household” means a household of one or more persons wherein at least one member of the household is a Commercial Fishing Worker at the time of initial occupancy.

(19) “Contact Person” means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

(20) “Corporation” means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(21) “Cost of Issuance Fee” means the fee charged by the Corporation to the Applicant for the payment of the costs and expenses associated with the sale of Bonds and the loaning of the proceeds, including a fee for the Corporation.

(22) “Credit Enhancement” means a letter of credit, third party guarantee, insurance contract or other collateral or security pledged to the Corporation or its Trustee for a minimum of ten years by a third party Credit Enhancer or financial institution securing, insuring or guaranteeing the repayment of the Mortgage Loan or Bonds under the MMRB Program.

(23) “Credit Enhancer” means a financial institution, insurer or other third party which provides a Credit Enhancement or Guarantee Instrument acceptable to the Corporation securing repayment of the Mortgage Loan or Bonds issued pursuant to the MMRB Program.

(24) “Credit Underwriter” means the independent contractor under contract with the Corporation having the responsibility for providing Credit Underwriting services.

(25) “Credit Underwriting” means an in-depth analysis by the Credit Underwriter of all documents submitted in connection with an Application.

(26) “Credit Underwriting Report” means the report that is a product of Credit Underwriting.

(27) “Cross-collateralization” means the pledging of the security of one Development to the obligations of another Development.

(28) “DDA” or “Difficult Development Area” means any area designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with section 42(d)(5) of the IRC.

(29) “Developer” means the individual, association, corporation, joint venturer or partnership, which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing as required in the Application.

(30) “Developer Fee” means the fee earned by the Developer.

(31) “Development” means Project as defined in Section 420.503, F.S.

(32) “Development Cost” means the total of all costs incurred in the completion of a Development excluding Developer Fee and total land cost as shown in the Development Cost line item on the development cost pro forma within the Application.

(33) “Disclosure Counsel” means the Special Counsel designated by the Corporation to be responsible for the drafting and delivery of the Corporation’s disclosure documents such as preliminary official statements, official statements, re-offering memorandums or private placement memorandums and continuing disclosure agreements.

(34) “Elderly” means Elderly as defined in Section 420.503, F.S.

(35) “Elderly Housing”, “Elderly Development”, or “Elderly Unit” means housing or a unit being occupied or reserved for qualified persons pursuant to the Federal Fair Housing Act and Section 760.29(4), F.S., provided that such Development meets the requirements for an Elderly Development as set forth in the Universal Application Package.

(36) “Family” describes a household composed of one or more persons.

(37) “Farmworker” means Farmworker as defined in Section 420.503, F.S.

(38) “Farmworker Development” means a Development:

(a) Of not greater than 80 units, at least 40 percent of the total residential units of which are occupied or reserved for Farmworker Households; and

(b) For which independent market analysis demonstrates a local need for such housing.

(39) “Farmworker Household” means a household of one or more persons wherein at least one member of the household is a Farmworker at the time of initial occupancy.

(40) “Financial Advisor” means, with respect to an issue of Bonds, a professional who is either under contract to the Corporation or is engaged by the Applicant who advises on matters pertinent to the issue, such as structure, timing, marketing, fairness of pricing, terms, bond ratings, cash flow, and investment matters.

(41) “Financial Beneficiary” means any Developer and its Principals or the Principals of the Applicant entity who receives or will receive any direct or indirect a financial benefit from a Development. ~~or:~~

~~(a) 3 percent or more of Total Development Cost if Total Development Cost is \$5 million or less; or~~

~~(b) 3 percent of the first \$5 million and 1 percent of any costs over \$5 million if Total Development Cost is greater than \$5 million.~~

(42) “Florida Keys Area” means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

(43) “General Contractor” means a person or entity duly licensed in the state of Florida with the requisite skills, experience and credit worthiness to successfully provide the units required in the Application, and which meets the criteria described in Rule 67-21.007, F.A.C.

(44) “Geographic Set-Aside” means the amount of allocation that has been designated by the Corporation to be allocated for Developments located in specific geographical regions within the state of Florida.

(45) “HC” or “Housing Credit Program” means the rental housing program administered by the Corporation in accordance with section 42 of the IRC and Section 420.5099, F.S., under which the Corporation is designated the Housing Credit agency for the state of Florida within the meaning of section 42(h)(7)(A) of the IRC, and Rule Chapter 67-48, F.A.C.

(46) “Homeless” means a Family who lacks a fixed, regular, and adequate nighttime residence or a Family who has a primary nighttime residence that is:

(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing;

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

The term does not refer to any individual imprisoned or otherwise detained pursuant to state or federal law.

(47) “HUD” means the United States Department of Housing and Urban Development.

(48) “HUD Risk Sharing Program” means the program authorized by section 542(c) of the Housing and Community Development Act of 1992, which is adopted and incorporated herein by reference.

(49) “Identity of Interest” means, for the purpose of the HUD Risk Sharing Program, any person or entity that has a one percent or more financial interest in the Development and in any entity providing services for a fee to the Development.

(50) “IRC” is the Internal Revenue Code of 1986, as in effect on the date of this rule chapter, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued or amended with respect thereto by the Treasury Department or Internal Revenue Service of the United States, and is adopted and incorporated herein by reference and available on the Corporation’s Website under the 2008 2007 Universal Application link labeled Related Information and Links.

(51) “Issuer” means the Florida Housing Finance Corporation.

(52) “Lead Agency” means a Local Government or Non-Profit serving as the point of contact and accountability to the State Office on Homelessness with respect to the Local Homeless Assistance Continuum of Care Plan, in accordance with Section 420.624, F.S.

(53) “Local Government” means Local government as defined in Section 420.503, F.S.

(54) “Local Homeless Assistance Continuum of Care Plan” means a plan for developing and implementing a framework for a comprehensive and seamless array of housing and services to address the needs of homeless persons and persons at risk for homelessness, in accordance with Section 420.624, F.S.

(55) “Local Public Fact Finding Hearing” means a public hearing requested by any person residing in the county or municipality in which the proposed Development is located and which is conducted by the Corporation for the purpose of receiving public comment or input regarding the financing of a proposed Development with Bonds by the Corporation.

(56) “Lower Income Residents” means Families whose annual income does not exceed either 50 percent or 60 percent depending on the minimum set-aside elected of the area median income as determined by HUD with adjustments for household size. In no event shall occupants of a Development unit be considered to be Lower Income Residents if all the occupants of a unit are students as defined in section 151(c)(4) of the IRC or if the residents do not comply with the provisions of the IRC defining Lower Income Residents. (See section 142 of the IRC.)

(57) “MMRB Funding Cycle” means the period of time established by the Corporation pursuant to this rule chapter and concluding with the issuance of allocations to Applicants who applied during a given Application Period.

(58) “MMRB LURA” or “MMRB Land Use Restriction Agreement” means an agreement among the Corporation, the Bond Trustee and the Applicant which sets forth certain set-aside requirements and other Development requirements under Rule Chapter 67-21, F.A.C.

(59) “MMRB Loan” means the loan made by the Corporation to the Applicant from the proceeds of the Bonds issued by the Corporation.

(60) “MMRB Loan Agreement” means the Program Documents or Loan Documents wherein the Corporation and the Applicant agree to the terms and conditions upon which the proceeds of the Bonds shall be loaned and the terms and conditions for repayment of the Loan.

(61) “MMRB Loan Commitment” means the Program Documents or Loan Documents executed by the Corporation and the Applicant after the issuance of a favorable Credit Underwriting Report that defines the conditions under which the Corporation agrees to lend the proceeds of the Bonds to the Applicant for the purpose of financing a Development.

(62) “MMRB Program” means the Corporation’s Multifamily Mortgage Revenue Bond Program.

(63) “MMRB Rehabilitation Development” means a Development, the Rehabilitation Expenditures with respect to which equal or exceed 15 percent of the portion of the cost of acquiring such Development to be financed with Bond proceeds.

(64) “Mortgage” means Mortgage as defined in Section 420.503, F.S.

(65) “Mortgage Loan” means Mortgage loan as defined in Section 420.503, F.S.

(66) “Note” means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate and is secured by a Mortgage.

(67) “Principal” means (i) an Applicant, any general partner of an Applicant, any limited partner of an Applicant, any member of an Applicant, and any officer, director, or any shareholder of an Applicant, (ii) any officer, director, shareholder, manager, member, general partner or limited partner or shareholder of any general partner and limited partner of an Applicant, (iii) any officer, director, shareholder, manager, member, general partner or limited partner of any manager and member of an Applicant, and (iv) any officer, director, shareholder, manager, member, general partner or limited partner of any shareholder of an Applicant.

(68) “Private Placement” or “Limited Offering” means the sale of the Corporation Bonds directly or through an underwriter or placement agent to 35 or fewer initial

purchasers who are not purchasing the Bonds with the intent to offer the Bonds for retail sale and who are Qualified Institutional Buyers.

(69) “Program Documents” or “Loan Documents” means the MMRB Loan Commitment, MMRB Loan Agreement, Note, Mortgage, Credit Enhancement, MMRB Land Use Restriction Agreement, Trust Indenture, Preliminary and Final Official Statements, Intercreditor Agreement, Assignments, Bond Purchase Agreement, Compliance Monitoring Agreement, Mortgage Servicing Agreement and such other ordinary and customary documents necessary to issue and secure repayment of the Bonds and Mortgage sufficient to protect the interests of the Bond owners and the Corporation.

(70) “QCT” or “Qualified Census Tract” means any census tract which is designated by the Secretary of Housing and Urban Development as having either 50 percent or more of the households at an income which is less than 60 percent of the area median gross income, or a poverty rate of at least 25 percent, in accordance with section 42(d)(5)(C) of the IRC.

(71) “Qualified Institutional Buyer” is sometimes called a “sophisticated investor” and specifically includes the following:

(a) Any of the following entities, acting for its own account or the accounts of other Qualified Institutional Buyers that, in the aggregate, own and invest on a discretionary basis at least \$100 million in securities of issuers that are not affiliated with the entity:

1. Any insurance company as defined in section 2(13) of the Securities Exchange Act, which is adopted and incorporated herein by reference;

2. Any investment company registered under the Investment Company Act of 1940 or any business development company as defined in section 80a-2(a)(48) of that Act, which is adopted and incorporated herein by reference;

3. Any Small Business Investment Company licensed by the U.S. Small Business Administration under section 301(c) or (d) of the Small Business Investment Act of 1958, which is adopted and incorporated herein by reference;

4. Any plan established and maintained by a state or state agency or any of its political subdivisions, on behalf of their employees;

5. Any employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974, which is adopted and incorporated herein by reference;

6. Trust funds of various types, except for trust funds that include participants’ individual retirement accounts or H.R. 10 plans;

7. Any business development company as defined in section 80b-2(a)(22) of the Investment Advisors Act of 1940, which is adopted and incorporated herein by reference;

8. Any organization described in section 501(c)(3) of the IRC, corporation (except a bank or savings and loan defined in section 3(a)(2) or 3(a)(5)(A) of the Securities and Exchange Act, which is adopted and incorporated herein by reference, or a foreign bank or savings and loan or similar institution), partnership, Massachusetts or similar business trust, or any investment adviser registered under the Investment Advisors Act, which is adopted and incorporated herein by reference.

(b) Any dealer registered under section 15 of the Securities Exchange Act, which is adopted and incorporated herein by reference, acting on its own behalf or on the behalf of other Qualified Institutional Buyers who in the aggregate own and invest at least \$10 million of securities of issuers not affiliated with the dealer (not including securities held pending public offering).

(c) Any dealer registered under section 15 of the Securities Exchange Act, which is adopted and incorporated herein by reference, acting in a riskless principal transaction on behalf of a Qualified Institutional Buyer.

(d) Any investment company registered under the Investment Company Act, which is adopted and incorporated herein by reference, that is part of a family of investment companies that together own at least \$100 million in securities of issuers, other than companies with which the investment company or family of investment companies is affiliated.

(e) Any entity, all of whose equity owners are Qualified Institutional Buyers.

(f) Any bank or savings and loan defined in section 3(a)(2) or 3(a)(5)(A) of the Securities Exchange Act, which is adopted and incorporated herein by reference, or foreign bank or savings and loan or similar institution that, in aggregate with the other Qualified Institutional Buyers, owns and invests in at least \$100 million in securities of affiliates that are not affiliated with it and that has an audited net worth of at least \$25 million as demonstrated during the 16 to 18 months prior to the sale.

(72) "Qualified Lending Institution" means any lending institution designated by the Corporation.

(73) "Qualified Project Period" means Qualified Project Period as defined in Section 142(d) of the IRC.

(74) "Received" as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, United States U.S. Postal Service, or other courier service, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

(75) "Rehabilitation Expenditures" has the meaning set forth in section 147(d)(3) of the IRC.

(76) "SBA" or "State Board of Administration" means the State Board of Administration created by and referred to in s. 9, Article XII of the State Constitution.

(77) "Scattered Sites" for a single Development means a Development consisting of real property in the same county (i) any part of which is not contiguous ("non-contiguous parts") or

(ii) any part of which is divided by a street or easement ("divided parts") and (iii) it is readily apparent from the proximity of the non-contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the divided parts of the real property are part of a common or related scheme of development.

(78) "Single Room Occupancy" or "SRO" means housing consisting of single room dwelling units that is the primary residence of its occupant or occupants. An SRO does not include facilities for students.

(79) "Special Counsel" means any attorney or law firm retained by the Corporation, pursuant to an RFQ, to serve as counsel to the Corporation, including Disclosure Counsel.

(80) "State Bond Allocation" means the allocation of the state private activity bond volume limitation pursuant to Chapter 159, Part VI, F.S., administered by the Division of Bond Finance and allocated to the Corporation for the issuance of Tax-exempt Bonds by either the SFMRB or MMRB Programs.

(81) "State Office on Homelessness" means the office created within the Department of Children and Family Services under Section 420.622, F.S.

(82) "Taxable Bonds" means those Bonds on which the interest earned is included in gross income of the owner for federal income tax purposes pursuant to the IRC.

(83) "Tax Exempt Bond-Financed Development" means a Development which has been financed by the issuance of tax-exempt bonds subject to applicable volume cap pursuant to section 42(h)(4) of the IRC.

(84) "Tax-exempt Bonds" means those Bonds on which all or part of the interest earned is excluded from gross income of the owner for federal income tax purposes pursuant to the IRC.

(85) "Tie-Breaker Measurement Point" means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than four (4) units.

(86) "TEFRA Hearing" means a public hearing held pursuant to the requirements of the IRC and in accordance with the Tax Equity and Fiscal Responsibility Act (TEFRA), section 147(f) of the IRC, at which members of the public or interested persons are provided an opportunity to present evidence or written statements or make comments regarding a requested application for Tax-exempt Bond financing of a Development by the Corporation.

(87) "Total Development Cost" means the sum total of all costs incurred in the construction of a Development all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation pursuant to this rule chapter.

(88) "Universal Cycle" means any funding cycle provided for in this or previous versions of this rule chapter.

(89) "Urban In-Fill Development" means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, a HUD-approved Neighborhood Revitalization Strategy, Florida Enterprise Zone, area designated under a Community Development Block Grant (CDBG) or area designated as a HOPE VI or Front Porch Florida Community or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

(90) "Website" means the Florida Housing Finance Corporation's website, the Universal Resource Locator (URL) of which is www.floridahousing.org.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.503, 420.503(4), 420.507, 420.508, 420.5099 FS. History--New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 2-6-97, 1-7-98, Formerly 9I-21.002, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 10-5-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, _____.

67-21.003 Application and Selection Process for Developments.

(1) When submitting an Application, Applicants must utilize the Universal Application in effect at the Application Deadline.

(a) The Universal Application Package or UA1016 (Rev. ~~3-08~~ ~~3-07~~) is adopted and incorporated herein by reference and consists of the forms and instructions, obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or available, without charge, on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Instructions and Application, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the MMRB Program.

(b) All Applications must be complete, legible and timely when submitted, except as described below. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation's facilities or equipment for purposes of compiling or completing an Application.

(2) Failure to submit an Application completed in accordance with the Application instructions and these rules will result in the failure to meet threshold, rejection of the Application, a score less than the maximum available, or a combination of these results in accordance with the instructions in the Application and this rule chapter.

(3) Each submitted Application shall be evaluated and preliminarily scored using the factors specified in the Universal Application Package and these rules. Preliminary scores shall be transmitted to all Applicants.

(4) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant's Application must file with the Corporation, within 8 Calendar Days of the date the preliminary scores are sent by overnight delivery by the Corporation, a written Notice of Possible Scoring Error (NOPSE). Each NOPSE must specify the assigned Application number of the Applicant submitting the NOPSE, the assigned Application number of the Application in question and the scores in question, as well as describe the alleged deficiencies in detail. Each NOPSE is limited to the review of only one Application's score. Any NOPSE that seeks the review of more than one Application's score will be considered improperly filed and ineligible for review. There is no limit to the number of NOPSEs that may be submitted. The Corporation's staff will review each written NOPSE Received timely.

(5) The Corporation shall transmit to each Applicant the NOPSEs submitted by other Applicants with regard to its Application. The notice shall also include the Corporation's decision regarding the NOPSE, along with any other items identified by the Corporation to be addressed by the Applicant, which may include financial obligations for which the Applicant or Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears to the Corporation or any agent or assignee of the Corporation as of the due date for NOPSE filing as set forth in subsection (4) above.

(6) Within 11 Calendar Days of the date of the notice set forth in subsection (5) above is sent by overnight delivery by the Corporation, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to subsections (3) and (5) above that could result in failure to meet threshold or a score less than the maximum available. A new form, page or exhibit provided to the Corporation during this period shall be considered a replacement of that form, page or exhibit if such form, page or exhibit was previously submitted in the Applicant's Application. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety, including all attachments and exhibits referenced therein, even if only a portion of the original document was revised. Where revised or additional information submitted by

the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. To be considered by the Corporation, the Applicant must submit an original and three copies of all additional documentation and revisions and such revisions, changes and other information must be Received by the deadline set forth herein. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s).

(7) Within seven (7) Calendar Days of the deadline for receipt by the Corporation of the documentation set forth in subsection (6) above, all Applicants may submit to the Corporation a Notice of Alleged Deficiencies (NOAD) in any other Application. Each NOAD is limited only to issues created by document revisions, additions, or both, by the Applicant submitting the Application pursuant to subsection (6) above. Each NOAD must specify the assigned Application number of the Applicant submitting the NOAD, the assigned Application number of the Application in question, the pages and the documents in question, as well as describe the alleged deficiencies in detail. Each NOAD is limited to the review of only one Applicant's submission. However, there is no limit to the number of NOADs that may be submitted. NOADs that seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Corporation will only review each written NOAD received timely.

(8) The Corporation shall transmit a copy of all NOADs to the affected Applicant.

(9) Following the receipt and review by the Corporation of the documentation described in subsections (5), (6) and (7) above, the Corporation shall then prepare final scores. In determining such final scores, no Application shall fail threshold or receive a point reduction as a result of any issues not previously identified in the notices described in subsections (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsections (6) and (7) above will still be justification for rejection of the Application, threshold failure, or reduction of points as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in subsection (14) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application. The Corporation shall then transmit final scores to all Applicants.

(10) Based on the order of the ranked Applications after informal appeals and the availability of State Bond Allocation designated by the Board of Directors for multifamily housing, the Board of Directors shall designate Applications for funding and offer the opportunity to enter Credit Underwriting, and shall designate those that are below the funding line on the

MMRB ranked list. Any additional allocation designated by the Board of Directors for MMRB shall be applied to the next unfunded Application(s) on the ranked list, but only to the extent said Application's request can be fully funded. Any remaining allocation designated by the Board of Directors for multifamily housing, which as of December 1 of each year is insufficient to fully fund the next ranked Application shall be offered to the next ranked Applicant, continuing down the ranked list until sufficient to fully fund a proposed Development. After December 1, Applicants shall be permitted to downsize their allocation request by up to 15 percent of the original allocation request for the purpose of becoming fully funded but may not reduce the number of units or the unit sizes in the development. Any unused allocation shall, at the option of the Board of Directors, be carried over and applied to the next calendar year allocation or applied to single family housing. The Corporation may, after the cure period and upon a determination that such is necessary to assure timely processing of Applicants, invite Applicants who meet threshold into Credit Underwriting at their own risk. Applicants shall be notified in writing of the opportunity to enter Credit Underwriting. A detailed timeline for submitting required fees and information to the Credit Underwriter shall be included. Failure to meet the deadlines established by such timeline shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the ranked list. Applicants electing to proceed to Credit Underwriting without designation for funding do so at their own risk, and said opportunity does not ensure that the Application will be funded. Any Applicant that declines invitation to Credit Underwriting, when invited by the Board of Directors, shall be removed from the ranked list.

(11) Except for Local Government-issued Tax-Exempt Bond-Financed Developments that submit a separate Application for non-competitive Housing Credits, Applications shall be limited to one submission per subject property. Two or more Applications, submitted in the same Funding Cycle, that have the same demographic commitment and one or more of the same Financial Beneficiaries will be considered submissions for the same Development if any of the following is true: (i) any part of any of the property sites is contiguous with any part of any of the other property sites, or (ii) any of the property sites are divided by a street or easement, or (iii) it is readily apparent from the Applications, proximity, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development. If two or more Applications are considered to be submissions for the same Development, the Corporation will reject all such Applications except the Application with the highest (worst) lottery number. The Application(s) with the lowest lottery number(s) will still be rejected even if the Applicant withdraws the Application with the highest (worst) lottery number. Financial Beneficiary, as defined in Rule 67-21.002, F.A.C., does not include third party lenders, third

party management agents or companies, housing credit syndicators, Credit Enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or contractors whose total fees are within the limit described in Rule 67-21.007, F.A.C.

(12) If the Board of Directors determines that any Applicant or any Affiliate of an Applicant:

(a) Has engaged in fraudulent actions;

(b) Has materially misrepresented information to the Corporation regarding any past or present Application or Development;

(c) Has been convicted of fraud, theft or misappropriation of funds;

(d) Has been excluded from federal or Florida procurement programs; or

(e) Has been convicted of a felony;

And that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two (2) years, which will begin from the date the Board of Directors makes such determination. Such determination shall be either pursuant to a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(13) The Corporation shall reject an Application if, following the submission of the additional documentation, revised pages and other information as the Applicant deems appropriate as described in subsection (6) above:

(a) The Development is inconsistent with the purpose of the MMRB Program or does not conform to the Application requirements specified in this rule chapter;

(b) The Applicant fails to achieve the threshold requirements as detailed in these rules, the applicable Application and Application instructions;

(c) The Applicant fails to file all applicable Application pages and exhibits that are provided by the Corporation and adopted under this rule chapter;

(d) ~~The Applicant fails to satisfy any arrearages described in subsection (5) above or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation or any agent or assignee of the Corporation.~~

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(a) Name of Applicant; notwithstanding the foregoing, the name of the Applicant may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting;

(b) Identity of each Developer, including all co-Developers; notwithstanding the foregoing, the identity of the Developer(s) may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting;

(c) Program(s) applied for;

(d) Applicant applying as a Non-Profit or for-profit organization;

(e) Site for the Development; notwithstanding the foregoing, after the Application has been invited to enter credit underwriting and subject to written request of an Applicant to Corporation staff and approval of the Corporation, the site for the Development may be increased or decreased, provided the Tie Breaker Measurement Point is on the site and the total proximity points awarded during scoring are not reduced;

(f) Development Category;

(g) Development Type;

(h) Designation selection;

~~(i) County;~~

(i)(j) Total number of units; notwithstanding the foregoing, the total number of units may be increased after the Applicant has been invited to enter credit underwriting, subject to written request of an Applicant to Corporation staff and approval of the Corporation;

~~(j)(k) Funding request, except for Taxable Bonds and as provided in subsection 67-21.003(10), F.A.C.; notwithstanding the foregoing, requested amounts exceeding the Corporation and program funding limits can be reduced by the Applicant to reflect the maximum request amount allowed (and no other changes to this amount will be allowed);~~

~~(k)(l) The Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application;~~

~~(l)(m) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;~~

~~(m)(n) Payment of the required Application fee and TEFRA fee by the Application Deadline.~~

~~(n)(o) The Application labeled "Original Hard Copy" must include a properly completed Applicant Certification and Acknowledgement form reflecting original signatures.~~

All other items may be submitted as cures pursuant to subsection (6) above.

With regard to paragraphs (a) and (b) above, the Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested change.

(15) A Development will be withdrawn from funding and any outstanding commitments for funds will be rescinded if at any time the Board of Directors determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

(16) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the IRC, this rule chapter, or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended as of the time of submission of the Application or at the time of issuance of a Credit Underwriting Report, the requested allocation will, upon a determination by the Board of Directors that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Corporation's programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(17) When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.

(18) At no time during the Application, scoring and appeal process may Applicants or their representatives contact members of the Board of Directors concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until after issuance of the final scores as set forth in subsection (9) above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Application. If an Applicant or its representative does contact a member of the Board of Directors in violation of this section, the Board of Directors shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(19) Applicants may withdraw an Application from consideration only by submitting a written notice of withdrawal to the Corporation Clerk. Applicants may not rescind any notice of withdrawal that was submitted to the Corporation Clerk. For ranking purposes, the Corporation shall disregard any withdrawal that is submitted after 5:00 p.m., Eastern Time, 14 Calendar Days prior to the date the Board of Directors is scheduled to convene to consider approval of the

final rankings of the Applications and such Application shall be included in the ranking as if no notice of withdrawal had been submitted. After the Board of Directors has approved the final ranking, any notice of withdrawal submitted during the time period prohibited above and before the Board of Directors approves the final ranking, shall be deemed withdrawn immediately after Board approval of the final ranking. If an Applicant has applied for two or more programs, the withdrawal by the Applicant from any one program will be deemed by the Corporation to be a withdrawal of the Application from all programs.

(20) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is requested in writing and approved in writing by the Corporation. The Corporation shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant such request.

(21) If an Applicant or any Affiliate of an Applicant has offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution and this is discovered prior to Board of Directors approval of the ranking, the Corporation shall reject the Application and any other Application submitted by the same Applicant and any Affiliate of the Applicant. If discovered after the Board of Directors approves final ranking, any tentative funding or allocation for the Application and any other Application submitted in the same cycle by the same Applicant and any Affiliate of the Applicant will be withdrawn. Such Applicant and any of such Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin the date the Board of Directors issues a final order on such matter in a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S.

(22) The Corporation shall initiate TEFRA Hearings on the proposed Developments whose Applications were Received by the Application Deadline. Neither the TEFRA Hearing, the invitation into Credit Underwriting, nor the Acknowledgment Resolution obligate the Corporation to finance the proposed Development in any way.

(23) Upon receipt of the Credit Underwriting Report, the Corporation shall submit the Application to its Financial Advisor for a preliminary recommendation of the method of bond sale for each Development pursuant to Rule 67-21.0045, F.A.C.

(24) Proposed Developments that are ranked, but not selected by the Board of Directors to enter Credit Underwriting, shall remain on the ranked list in the event State Bond Allocation becomes available to fund additional Developments. If the current year's State Bond Allocation designated by the Board of Directors for the MMRB Program

is insufficient to fully finance a Development, subject to the provisions of subsection 67-21.003(10), F.A.C., permitting reduction of the requested amount, a new Application must be filed to be eligible for a future year's State Bond Allocation.

(25) The Corporation shall notify the Applicant, in writing, of the Board of Directors determination related to approval of the Credit Underwriting Report and require the Applicant to submit one-half of the Good Faith Deposit within 7 Calendar Days from the receipt of such notice.

(26) Upon favorable recommendation of the Credit Underwriting Report and preliminary recommendation of the method of bond sale from the Corporation's Financial Advisor, the Board of Directors shall designate by resolution the method of bond sale considered appropriate for financing. The Board of Directors shall consider authorizing the execution of the Loan Commitment and shall consider final Board of Directors approval reserving State Bond Allocation for a Development. Requests for Taxable Bonds shall be considered by the Board of Directors in an amount recommended by the Credit Underwriter. The Board of Directors shall also assign a bond underwriter, structuring agent, or Financial Advisor and any other professionals necessary to complete the transaction. Staff shall assign the Corporation Bond Counsel and Special Counsel and Trustee as needed.

(27) Following receipt of one-half of the Good Faith Deposit, the Corporation's assigned Special Counsel shall begin preparation of the Loan Commitment.

(28) Upon execution of a Loan Commitment, Applicant shall pay the balance of the Good Faith Deposit and the Corporation shall authorize Bond Counsel and Special Counsel to prepare the Program Documents.

(29) For computing any period of time allowed by this rule, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4), (13), (14), (18), (19), (20), (21), (24), 420.508 FS. History—New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 9I-21.003, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07.

67-21.0035 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by Rule 67-21.003, F.A.C., each Applicant will be provided with its final score and notice of rights, which shall constitute the point of entry to contest any issue related to the Applicant's Application for the MMRB Program.

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation within 21 Calendar Days after the date the Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or

28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board of Directors.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board of Directors. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, excluding the caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from the date of issuance of the recommended order. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board of Directors. Parties will not be permitted to make oral presentations to the Board in response to recommended orders.

(4) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S., and in accordance with Rule Chapter 67-21, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board of Directors, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior to the date the final rankings were presented to the Board of Directors, provide the requested allocation from the next available allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable Credit Underwriting requirements.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the point of entry to contest any ranking or scoring issue related to any other Applications for the MMRB Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). The petition must conform to

subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue, score or ranking sought to be challenged.

(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-21.003(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-21.003(6), F.A.C.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time the Corporation provided the Applicant with its final ranking.

(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board of Directors.

(6) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding as described in subsection (5) above concerning the final ranking of another Application, shall be allowed the opportunity to submit written arguments to the Board of Directors. Any written arguments should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, excluding the caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from the date of issuance of the recommended order. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board of Directors. Parties will not be permitted to make oral presentations to the Board of Directors in response to recommended orders.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested allocation from the next available allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any

applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) above.

Specific Authority 420.507, 420.508 FS. Law Implemented 120.569(2)(b), 120.57, 420.502, 420.507, 420.508 FS. History--New 11-14-99, Amended 2-11-01, 3-17-02, 10-8-02, 12-4-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, Repromulgated.

67-21.004 Federal Set-Aside Requirements.

Each Application shall designate one of the following minimum federal set-aside requirements that the Development shall meet commencing with the first day on which at least 10 percent of the units in the property are occupied:

(1) Twenty percent of the residential units in the Development shall be occupied by or reserved for occupancy by a Family whose Annual Household Income does not exceed 50 percent of the area median income limits adjusted for Family size (the 20/50 set-aside); or

(2) Forty percent of the residential units in the Development shall be occupied by or reserved for occupancy by a Family whose Annual Household Income does not exceed 60 percent of the area median income limits adjusted for Family size (the 40/60 set-aside).

(3) For Developments financed solely through the issuance of Taxable Bonds or refundings of Tax-exempt Bonds originally issued under section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, which is adopted and incorporated herein by reference, 20 percent of the residential units in the Development shall be occupied by or reserved for occupancy by a Family whose Annual Household Income does not exceed 80 percent of the area median income limits adjusted for Family size (the 20/80 set-aside).

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4), (6), (12), (13), (14), (18), (19), (21), 420.508 FS. History--New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 9-25-96, 2-6-97, 1-7-98, Formerly 91-21.004, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, Amended 2-7-05, 1-29-06, Repromulgated 4-1-07, _____.

67-21.0045 Determination of Method of Bond Sale.

(1) The Corporation may sell Bonds for the purpose of financing a proposed Development through a negotiated sale, competitively bid sale or Private Placement. Prior to the sale of Bonds for a Development, the Board of Directors shall authorize a resolution specifying the method of sale.

(2) Following receipt of the Credit Underwriting Report, staff shall provide the Corporation's Financial Advisor copies of such report for review and preparation of a written recommendation for the method of Bond sale.

(3) In preparing a recommendation for the method of sale to the Board of Directors, the Financial Advisor shall consider the following:

(a) The cost components of the sale, including interest costs and financing costs. The purpose of the analysis is to determine how these costs are affected by the alternative forms of sale.

(b) The anticipated credit and security structure of the transaction.

(c) The proposed financing structure of the transaction.

(d) The financing experience of the Applicant.

(e) The Corporation's programmatic objectives.

(f) Market stability.

(g) Other factors identified by staff, counsel, or the Applicant.

(4) The written recommendation shall include an identification of the Development, the recommended method of sale, and a summary statement as to why the particular method of sale is being recommended.

(5) For those transactions that the Corporation's Financial Advisor recommends as candidates for a competitive sale, the Corporation shall engage a structuring agent. The Applicant may, at its sole expense, engage a Financial Advisor for the transaction. Any cost to the Applicant for the Financial Advisor in excess of \$18,000 must be paid out of Developer Fee.

(6) For those transactions that the Corporation's Financial Advisor recommends for a negotiated sale, the Corporation shall appoint a bond underwriter.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (13), (19), (20), 420.508, 420.509(12) FS. History—New 1-7-98, Formerly 9I-21.0045, Amended 1-26-99, Repromulgated 11-14-99, 2-11-01, Amended 3-17-02, Repromulgated 4-6-03, Amended 3-21-04, 2-7-05, Repromulgated 1-29-06, 4-1-07,

67-21.006 Development Requirements.

A Development shall at a minimum meet the following requirements or an Applicant shall be able to certify that the following requirements shall be met with respect to a Development:

(1) Must provide safe, sanitary and decent multifamily residential housing for lower, middle and moderate income persons or families.

(2) Must be owned, managed and operated as a Development to provide multifamily residential rental property comprised of a building or structure or several proximate buildings or structures, each containing five or more dwelling units and functionally related facilities, in accordance with section 142(d) of the IRC.

(3) The Development shall consist of similar units, containing complete facilities for living, sleeping, eating, cooking and sanitation for a Family.

(4) None of the units in the Development shall be used on a transient basis, nor shall they be knowingly leased for a period of less than 180 days unless a determination is made by

the Corporation that there is a specific need in that particular area for leasing arrangements of less than 180 days, but in no event shall a lease be for a period less than 30 days, nor shall a Development be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, sanitarium, nursing home or rest home or trailer court or park.

(5) All of the dwelling units shall be rented or shall be available for rent on a continuous basis to members of the general public, and the Applicant shall not give preference to any particular class or group in renting the dwelling units in the Development, except to the extent that dwelling units are required to be occupied in compliance with the IRC or are being held for Elderly Persons, Commercial Fishing Workers, Homeless Persons or Farmworkers.

(6) The Applicant shall have no present plan to convert the Development to any use other than the use as affordable residential rental property.

(7) None of the units shall at any time be occupied by the owner of the Development or an individual related to the owner as such terms are defined by the Code; provided, however, that in Developments containing more than 50 residential units, such owner or related person may occupy up to one unit per each 100 units in a Development and such owner or related person must reside in a unit that is in a building or structure which contains at least five residential units.

(8) Commencing with the date on which at least 10 percent of the units in the Development are occupied:

(a) At least 20 percent or 40 percent, whichever is applicable based on Applicant's selection of the minimum federal set-aside, of the occupied and completed residential units in the Development shall be occupied by Lower Income Residents, prior to the satisfaction of which no additional units shall be rented or leased, except to a Family that is also a Lower Income Resident;

(b) All of the Public Policy Criteria and Qualified Resident Programs selected in the Application must be met; and

(c) After initial rental occupancy of such residential units by Lower Income Residents, at least 20 percent or 40 percent, whichever is applicable based on Applicant's selection of the minimum federal set-aside, of the completed residential units in the Development at all times shall be rented to and occupied by Lower Income Residents as required by section 142(d) of the IRC, if the Development is financed with the proceeds of Tax-exempt Bonds, or as required by the Act, if the Development is financed with the proceeds of Taxable Bonds, or held available for rental if previously rented to and occupied by a Lower Income Resident.

(9) The Applicant shall obtain and maintain on file income certifications from each Lower Income Resident immediately prior to initial occupancy and at least annually thereafter.

(10) The Applicant shall not take, permit, or cause to be taken any action which would adversely affect the exemption from federal income taxation of the interest on Tax-exempt Bonds, nor shall the Applicant fail to take any action which is necessary to preserve the exemption from federal income taxation of the interest on Tax-exempt Bonds.

(11) The Applicant shall take such action or actions as shall be necessary to comply fully with the IRC, Florida Statutes, and the Corporation's rules.

(12) The Applicant may limit the leasing of units in a Development to Elderly Persons, Commercial Fishing Workers, Homeless Persons or Farmworkers as permitted hereby.

(13) In the event that the Applicant has determined that the market no longer supports the Development as Elderly Housing and desires to rent to younger persons or families, the following criteria must be met:

(a) A viable marketing plan is submitted to and is acceptable to the Corporation showing a good faith effort to market the unit as Elderly Housing.

(b) The Applicant demonstrates that a good faith effort was made to lease the unit as Elderly Housing and that such effort was made for at least six months after the certificate of occupancy for the relevant unit was issued.

(c) The Applicant has requested and received Board of Directors' approval that the Development no longer qualifies as Elderly Housing.

(14) The Applicant and Developer of a proposed Rehabilitation Development shall make every effort to rehabilitate existing housing (i) without displacing existing tenants or (ii) by temporarily moving existing tenants to unaffected units within the Development until the renovation of affected units is completed.

(15) The owner of a Development must notify the Corporation of an intended change in the management company. The Corporation must approve, pursuant to subsection 67-53.003(3), F.A.C., the Applicant's selection of a management agent prior to such company assuming responsibility for the Development. A key management company representative must attend a Corporation-sponsored training workshop on certification and compliance procedures prior to the leasing of any units in the Development.

(16) The Applicant shall use cost certifications with respect to each Development as required by the United States Department of Housing and Urban Development ("HUD") in connection with Developments financed by HUD, including the HUD Risk Sharing Program.

(17) The Applicant shall provide annually to the Trustee not later than 120 days after the end of the Applicant's fiscal year, audited financial statements prepared by an independent certified public accounting firm, consolidated or consolidating,

on the Development and any other information required by the Corporation to comply with continuing disclosure requirements imposed by law.

(18) Unless otherwise approved by the Board of Directors, Cross-collateralization shall not be allowed.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(9), (11), (14), (18), (19), (20), (21), 420.508 FS. History— New 12-3-86, Amended 2-22-89, 12-4-90, 9-25-96, 1-7-98, Formerly 9I-21.006, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, Amended 3-21-04, 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-21.007 Fees.

In addition to the fees specified in the Universal Application Package, the Corporation shall collect the following fees and charges in conjunction with the MMRB Program:

(1) TEFRA Fee: Applicants shall submit a non-refundable TEFRA fee to the Corporation in the amount of \$500 by the Application Deadline, or, for refundings or 501(c)(3) Applicants, upon submission of the Application or request for refunding. This fee shall be applied to the actual cost of publishing required newspaper advertisements and Florida Administrative Weekly notices of TEFRA Hearings. If the actual cost of the required publishing exceeds \$500-00, Applicant shall be invoiced for the difference. If a Local Public Fact Finding Hearing is requested, the Applicant shall be responsible for payment of any fees incurred by the Corporation. If the first TEFRA approval period has expired and a second TEFRA notice and hearing are required, Applicant is responsible for all costs associated with the additional TEFRA process.

(2) Credit Underwriting and Appraisal Fee: Applicants shall submit the required non-refundable Credit Underwriting and Appraisal Fee for each Development to the Credit Underwriter designated by the Corporation within seven Calendar Days of the date the Applicant accepts the invitation by the Corporation to enter the Credit Underwriting process and prior to final credit review by the Credit Underwriter. The Credit Underwriting fee shall be determined pursuant to a contract between the Corporation and the Credit Underwriter.

(3) Good Faith Deposit means a total deposit equal to one percent of the Loan amount reflected in the Loan Commitment paid by the Applicant to Florida Housing. The Applicant shall pay a total deposit equal to one percent of the aggregate principal amount of proposed Taxable and Tax-exempt Bonds, or \$75,000, whichever is greater, to the Corporation, which deposit may be applied toward the Cost of Issuance Fee. The maximum Good Faith Deposit required is \$175,000. The Good Faith Deposit is payable in two equal installments: the first installment (one-half of one percent) is due within seven Calendar Days of the date the Board of Directors approves the Credit Underwriting Report. The balance is payable no later than the date when the Applicant executes the Loan Commitment. If the Good Faith Deposit is exhausted, the

Applicant shall be required to pay, within three days of notice, an additional deposit to ensure payment of the expenses associated with the processing of the Application, the sale of the Bonds, including document production and the securitization of the Loan. The Good Faith Deposit shall be remitted by certified check or wire transfer. In the event the MMRB Loan does not close, the unused portion of the Good Faith Deposit shall be refunded to the Applicant. Notwithstanding the foregoing, the Applicant is responsible for all expenses incurred in preparation for loan closing. Any and all costs of the Corporation will be deducted from the Good Faith Deposit prior to refunding any unused funds to the Applicant. In the event that additional invoices are received by the Corporation subsequent to a determination that the MMRB Loan will not close and refunding any unused funds to the Applicant, which invoices related to costs incurred prior to such determination and refunding, Applicant shall be responsible for payment of the balance due as invoiced.

(4) Cost of Issuance Fee: the Corporation shall require Applicants or participating Qualified Lending Institutions selected for participation in the program, to deliver to the Corporation, or, at the request of the Corporation, directly to the Trustee, before the date of delivery of the Bonds, a Cost of Issuance Fee in an amount determined by the Corporation to be sufficient to pay the costs and expenses relating to issuance of the Bonds, which amount shall be deposited into an account to be held by the Trustee. The Corporation shall provide the Applicant with a good faith estimate of the Cost of Issuance Fee prior to closing. The Applicant shall pay all costs and expenses incurred by the Corporation in connection with the issuance of the Bonds, the expenditure of the MMRB Loan proceeds, and provision of Credit Enhancement, if any, even if such costs and expenses exceed the Cost of Issuance Fee. Any amounts remaining in this account at the time the balance is transferred and the account closed pursuant to the Trust Indenture shall be returned to the Applicant.

(5) HUD Risk Sharing Fees: Applicants also using the HUD Risk Sharing Program for the Development shall be responsible for associated fees, as follows:

(a) Format II Environmental Review Fee – The fee the Applicant shall pay will be determined by contract between the Corporation and the environmental professional.

(b) Subsidy Layering Review Fee – The fee the Applicant shall pay will be determined by the contract between the Corporation and the Credit Underwriter.

(6) Compliance Monitoring Fees: The annual monitoring fee the Applicant shall pay will be determined by contract between the Corporation and the monitoring agent.

(7) Permanent Loan Servicing Fees: The annual servicing fee the Applicant shall pay will be determined by contract between the Corporation and the servicer.

(8) Financial Monitoring Fees: The annual financial monitoring fee the Applicant shall pay will be determined by contract between the Corporation and the monitoring agent.

(9) Other Corporation Program Fees:

(a) Housing Credit Fees – If Housing Credits are used for the Development, the Compliance Monitoring Fee for that program shall be collected from the Applicant in conjunction with the Compliance Monitoring Fee for the program.

(b) Florida Affordable Housing Guarantee Program Fees – If the Guarantee Program is used in the Development, the same fee schedule described in Rule Chapter 67-39, F.A.C., shall apply and be paid by the Applicant to the Corporation.

(10) Developer Fee shall be limited to 18 percent of Total Development Cost excluding land ~~and, for rehabilitation, building acquisition costs. A Developer Fee on the building acquisition cost shall be limited to 4 percent of the cost of the building(s) exclusive of land cost.~~ Consulting fees, if any, must be paid out of the Developer Fee. Consulting fees include payments for Application consultants, construction management or supervision, or Local Government consultants. Fees of the Applicant's or Developer's attorney(s) awarded in conjunction with litigation against the Corporation with respect to a Development shall also not be included in Total Development Costs. Fees for services provided by architects, accountants, appraisers, engineers or Financial Advisors may be included as part of the Total Development Costs, except that those fees for a Financial Advisor that are in excess of \$18,000 must be paid out of the Developer Fee. In the event of extraordinary circumstances, Applicant may petition the Board for relief from the cap on Financial Advisor fees. The Corporation shall not authorize fees to be paid for duplicative services or duplicative overhead.

(11) General Contractor's Fees are inclusive of general requirements, profit and overhead and shall be limited to 14 percent of hard costs, excluding any hard cost contingencies. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest as defined herein between the Applicant or Developer and the General Contractor, the allowable fees shall in no case exceed the amount allowable pursuant to the HUD subsidy layering review requirements. Additionally, fees shall be allowed to be paid only to the person or entity that actually meets the definitional requirements to be considered a General Contractor. The Corporation shall not allow fees for duplicative services or duplicative overhead. The General Contractor must meet the following conditions:

(a) Employ a Development superintendent and charge the costs of such employment to the general requirements line item of the General Contractor's budget;

(b) Charge the costs of the Development construction trailer, if needed, and other overhead to the general requirements line item of the General Contractor's budget;

(c) Secure building permits, issued in the name of the General Contractor;

(d) Secure a payment and performance bond (or approved alternate security for General Contractor's performance, such as a letter of credit), issued in the name of the General Contractor, from a company rated at least "A-" by AMBest & Co.;

(e) Ensure that none of the General Contractor duties to manage and control the construction of the Development are subcontracted; and

(f) Ensure that not more than 20 percent of the construction cost is subcontracted to any one entity unless otherwise approved by the Board for a specific Development.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (19) FS. History--New 12-3-86, Amended 1-7-98, Formerly 9I-21.007, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, Repromulgated 4-1-07, Amended.

67-21.008 Terms and Conditions of MMRB Loans.

(1) Each Mortgage Loan for a Development made by the Corporation shall:

(a) Be evidenced by a properly executed Note or other evidence of indebtedness and be secured by a recorded Mortgage;

(b) Provide for a fully amortized payment of the Mortgage Loan in full beginning no later than the 37th month ~~on the earlier of 36 months after closing, or stabilized occupancy, or conversion to permanent financing under the loan documents~~ and ending no later than the expiration of the useful life of the property, and in any event, no later than 45 years from the date of the Mortgage Loan;

(c) Not exceed 95 percent of the Total Development Cost;

(d) If the Mortgage Loan is to provide financing for the construction of a Development, have each advance thereof secured, insured, or guaranteed in such manner as the Corporation determines shall protect its interest and those of the Bond holders;

(e) Have the initial review, approval, and origination process accomplished by a Qualified Lending Institution;

(f) Be serviced by such Qualified Lending Institution or other private entity engaged in the business of servicing mortgage loans in Florida as the Corporation shall approve; and

(g) Require the submission to the Corporation of an annual audited financial statement for the Development, and for the Applicant if revenue from multiple projects is being pledged. An annual financial statement compiled or reviewed by a licensed Certified Public Accountant may be submitted in lieu of an audited financial statement for the Development prior to the issuance of a certificate of occupancy for any unit in the Development, provided that the subsequent annual audited financial statement shall include all operations since inception.

(h) If Credit Enhancement is used, a Credit Enhancement instrument of less than ten years must be approved by the Board of Directors.

(2) Upon approval, execution, and satisfaction of the terms of the Program Documents by the Applicant and the Corporation, the Bond sale and the MMRB Loan shall be scheduled for closing.

(3) The Applicant may obtain construction financing from an alternative source with the Bond proceeds being invested in accordance with an investment agreement subject to the requirements of the IRC for Tax-exempt Bonds.

(4) The Applicant shall also establish and maintain escrow deposits sufficient to pay any insurance premiums and applicable taxes.

(5) The Corporation shall charge such program administration fees as are required to pay the cost of administering the program during the life of the Bonds and MMRB Loan.

(6) The interest rate on the MMRB Loan shall be determined by the Corporation at the time of sale of the Bonds based on the financing structure and the interest rate on the Bonds.

(7) Prepayments shall be permitted only in accordance with the terms and conditions of the Program Documents.

(8) The Corporation shall appoint a Trustee and servicing agent when necessary to administer the program and service the MMRB Loan.

(9) All MMRB Loans are contingent upon:

(a) The sale, issuance and delivery of the Bonds and the availability of Bond proceeds.

(b) The Applicant obtaining title insurance on the property.

(c) The Applicant obtaining all governmental approvals for constructing and operating the Development as a multifamily housing Development.

(d) The Applicant providing to the Corporation, Bond Counsel and Special Counsel the Note, Mortgage, financing statements, survey, hazard insurance policies, liability insurance policies, escrow agreement, investment agreements, opinions of counsel including preference opinions, if required, and such other documents as are necessary to ensure that the Corporation has a properly secured Mortgage as required under the Act and to protect the holders of the Bonds.

(e) If required by Bond Counsel in order to deliver their opinion in connection with the issuance of the Bonds or at the request of the Corporation, the Bonds being validated pursuant to Chapter 75, F.S., and a certificate of no appeal issuing.

(f) Receipt of TEFRA approval for Tax-exempt Bonds.

(10) All MMRB Loans shall be reviewed and originated by a servicer designated by the Corporation, in conformance with the Act.

(11) The Applicant shall agree to execute or cause to be executed all of the MMRB Program Loan Documents required by the Corporation to secure the unconditional payment of the MMRB Loan and to retain the tax-exempt status of the Bonds, if Bonds are issued as Tax-exempt Bonds.

(12) The Applicant shall, prior to the requested date for funding, or as requested during Credit Underwriting, supply in draft form to the Corporation the following documents with respect to the Development being financed, together with any other documents required by the MMRB Loan Agreement:

(a) A survey, as described in the Application, dated within 90 days of the date submitted showing the location of all improvements, encroachments, easements and rights-of-way, and a site plan which has been approved by all governmental authorities.

(b) A fully completed, executed and sealed surveyors' certification to the Corporation.

(c) Written evidence of appropriate zoning and governmental approvals.

(d) Plans and specifications bearing the seal of a licensed engineer.

(e) Policies of insurance and evidence of payment of premiums.

(f) Required opinions of counsel necessary for the issuance of the Bonds.

(g) A commitment for mortgagee title insurance in favor of the Corporation or its Trustee or designated servicer, with only standard exceptions and such other exceptions as are usually permitted in Mortgage Loans of this nature and that are acceptable to the Corporation. Such policy shall be in an amount not less than the MMRB Loan amount plus an amount sufficient to cover any debt service reserve required by the Corporation.

(h) A copy of the deed or form of deed conveying the land for the Development to the Applicant or a copy of the lease creating a long-term leasehold in favor of the Applicant acceptable to the Corporation and the Credit Underwriter.

(i) Evidence as to the status of liens, including mechanic's liens, recorded against the property and the permission of the Corporation to allow any liens to remain recorded against the land or the Development.

(j) Such other documents as shall be reasonably required by the Corporation, by the MMRB Loan Commitment, or by the Corporation's respective counsel to protect the interest of the Corporation in the financing.

(13) The Borrower shall not sell, transfer, or otherwise assign any of its interest in the Development without the prior written consent of the Corporation.

(14) The Corporation shall require all MMRB Loans to be secured to the extent necessary to protect the Corporation and Bond holders.

(15) Any MMRB Loan financed with proceeds of Tax-exempt Bonds, except for 501(c)(3) Bonds, shall provide that the portion of any debt service reserve fund associated therewith to be financed with the Tax-exempt Bonds shall not exceed six months of debt service on the Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.502, 420.507(4), (6), (9), (11), (21), 420.508 FS. History--New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 9I-21.008, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-21.009 Interest Rate on Mortgage Loans.

The Corporation shall establish the interest rate on Mortgage Loans at the time of sale of the Bonds. The interest rate shall in no event exceed the arbitrage limit which is legally allowed without jeopardizing the tax exempt status of the Bonds, if Bonds are issued as Tax-exempt Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented Chapter 75, 420.507, 420.508 FS. History--New 12-3-86, Amended 1-7-98, Formerly 9I-21.009, Amended 1-26-99, 11-14-99, Repromulgated 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-21.010 Issuance of Revenue Bonds.

The Corporation shall fund Mortgage Loans with the proceeds from the sale of Bonds. The issuance and sale of the Bonds shall be governed by resolutions adopted by the Corporation and by applicable law and rule. If Bonds cannot be sold or cannot be sold in an amount or at an interest rate or under conditions which satisfy the Credit Underwriting Report, as the same may be amended, the Corporation shall terminate its MMRB Loan Commitment and such other agreements as were executed in conjunction with the proposed MMRB Loan.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(6), 420.508, 420.509 FS. History--New 12-3-86, Amended 1-7-98, Formerly 9I-21.010, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-21.013 Non-Credit Enhanced Multifamily Mortgage Revenue Bonds.

Any issuance of non-Credit Enhanced revenue Bonds shall be sold only to a Qualified Institutional Buyer. Such non-Credit Enhanced revenue Bonds may only be utilized for financings where the Applicant has demonstrated that the issuance produces a substantial benefit to the Development not otherwise available from Credit Enhancement structures. The analysis of the substantial benefit must be provided in a format acceptable to the Corporation and shall include the initial issuer cost of issuance, underwriter's discount or placement agent fee, annual debt service, total debt service and any other factors necessary and appropriate to demonstrate that the issuance produces a substantial benefit to the Development. This analysis must be provided both prior to the review of the method of Bond sale conducted by the Corporation's Financial

Advisor, and again prior to the pricing of the Bonds, showing any changes affecting the original estimated substantial benefit. The Corporation shall designate the bond underwriter or placement agent with respect to such Bonds, who shall be on the Corporation's approved bond underwriters list. The Corporation, in its discretion, will allow only an underwriting discount or a placement agent fee, but not both. Unless such Bonds are rated in one of the four highest rating categories by a nationally recognized rating service, such Bonds shall not be held in a full book-entry system (but may be DTC-Eligible) and shall comply with at least one of the following criteria:

(1) The Bonds shall be issued in minimum denominations of \$100,000 (subject to reduction by means of redemption) and each purchaser of such Bond, including subsequent purchasers unless the requirements of subsection (2) or (3) below are met, shall certify to the Corporation prior to any purchase or transfer of any Bond that such purchaser is a Qualified Institutional Buyer; or

(2) The Bonds shall be issued in minimum denominations of \$250,000 (subject to reduction by means of redemption) and an investment letter satisfactory to the Corporation and its counsel shall be obtained from each initial purchaser of the Bonds (including any purchaser purchasing such Bonds in an immediate resale from an underwriter), but shall not be required of subsequent purchasers of the Bonds, to the effect that, among other things, such purchaser is a Qualified Institutional Buyer, is purchasing such Bonds for its own account and not for immediate resale to other than another Qualified Institutional Buyer, and has made an independent investment decision as a sophisticated or institutional investor; or

(3) The Bonds shall be issued in minimum denominations of \$250,000 (subject to reduction by means of redemption) and an investment letter satisfactory to the Corporation and its counsel shall be obtained from each initial purchaser of the Bonds and from each subsequent transferee of the Bonds prior to any transfer thereof, to the effect that such purchaser is a Qualified Institutional Buyer.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(4), (5), (6), (9), (11), (14), (16), (18), (19), (20), (21) FS. History--New 11-23-94, Amended 1-7-98, Formerly 9I-21.013, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-21.014 Credit Underwriting Procedures.

(1) An invitation into Credit Underwriting shall require that the Applicant submit the Credit Underwriting and Appraisal Fee and information required to complete the Credit Underwriting, to the Credit Underwriter in accordance with the schedule established by the Corporation upon the recommendation of the Credit Underwriter. Failure to submit the Credit Underwriting and Appraisal Fee or meet the

deadlines as set forth in the schedule shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the ranked list.

(2) The Credit Underwriter shall in Credit Underwriting analyze and verify all information in the Application, or any proposed changes made subsequent thereto, in order to make a recommendation to the Board of Directors on the feasibility of the Development, without taking into account the willingness of a Credit Enhancer to provide Credit Enhancement. Credit Underwriting services shall include, for example, a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, and the evidence of need for affordable housing in order to determine that the Development meets the MMRB Program requirements. The Credit Underwriter shall determine a recommended Bond amount that should be made to a Development, whether an initial loan or a refunding.

(a) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of normal underwriting procedures, the cost of such expertise shall be borne by the Applicant.

(b) The Credit Underwriter shall review the proposed financing structure to determine whether the MMRB Loan is feasible.

(c) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves when calculating the final net operating income available to service the debt. A minimum amount of ~~\$250~~ \$200 per unit must be deposited annually in the replacement reserve account for all Developments. An Applicant may choose to fund a portion of the replacement reserves at closing from moneys other than the proceeds of the Bonds. This partial funding cannot exceed 50 percent of the required replacement reserves for two years and must be placed in escrow with the Bond Trustee at closing. Applicants with Credit Enhancement may employ a different replacement reserve structure with the Corporation's approval.

(d) The Corporation shall consider the following when determining the need for construction completion guarantees based on the recommendations of the Credit Underwriter:

1. Liquidity of any guarantee provider.
2. Applicant's, Developer's and General Contractor's history in successfully completing Developments of similar type.
3. The past performance of the Applicant, Developer, General Contractor, or management agent, in developing, constructing or managing Developments financed by the Corporation or its predecessor, including, by way of example and not limitation, nonpayment of fees and noncompliance with program requirements.

4. Percentage of the Corporation's funds utilized compared to Total Development Costs. At a minimum, the corporate general partner of the borrowing entity shall provide a personal guarantee for completion of construction. In addition, a letter of credit or payment and performance bond shall be required if the Corporation determines upon recommendation of the Credit Underwriter after evaluation of conditions in subparagraphs 1. through 3., above, that additional surety is needed.

(e) The Credit Underwriter shall review and make a recommendation to the Corporation whether the number of existing loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation Development.

(f) The Credit Underwriter shall consider the appraisal of the Development and other market study documentation to make a recommendation as to whether the market exists to support both the demographic and income restriction set-asides committed to within the Application. The Credit Underwriter shall consider the market study and other documentation to make a recommendation of whether to approve or disapprove an allocation when the proposed Development would financially impair an existing Development previously funded by the Corporation.

(g) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process to complete the Credit Underwriting Report, the Credit Underwriter shall notify the Corporation and request the information from the Applicant. Such requested information shall be submitted within ten business days of receipt of the request therefor. Failure for any reason to submit required information on or before the specified deadline shall result in the Application being moved to the bottom of the ranked list.

(h) At a minimum, the Credit Underwriter shall require the following information during Credit Underwriting:

1. For Credit Enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or Credit Underwriting is complete.

2. For guarantors, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 6, 2003, which is incorporated by reference and available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and

Links, and the two most recent years tax returns. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

3. For the General Contractor, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100 percent of the total construction cost is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

4. For the Applicant and General Partner, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that Credit Underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(j) The Credit Underwriter shall also require environmental indemnity and recourse obligation guarantees.

(i) The Credit Underwriter shall require an operating deficit guarantee. The operating deficit guarantee will be released when the Development achieves a minimum 1.10 debt service coverage ratio on the MMRB Loan and 90 percent occupancy and 90 percent of the gross potential rental income, all for six consecutive months as certified by an independent Certified Public Accountant, and verified by the Credit Underwriter.

(k) Required appraisals, market studies, pre-construction analyses, physical needs assessments, and environmental studies (other than Phase I Environmental Site Assessments) shall be completed by professionals approved by the Credit Underwriter. Approval of appraisers and contractors to complete market and environmental studies shall be based upon review of qualifications, professional designations held, references and prior experience with similar types of Developments.

(l) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice, which is adopted and incorporated herein by reference, and a separate market study shall be ordered by the Credit Underwriter from an appraiser qualified for the geographic area and product type not later than when an Application enters Credit Underwriting. The Credit Underwriter shall review the appraisals to properly evaluate the MMRB Loan request in relation to the property value.

(m) Appraisals and separate market studies which have been ordered and submitted by third party Credit Enhancers or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal or market study referenced above.

(n) The Credit Underwriting Report shall include a thorough analysis of the proposed Development and a statement as to whether a MMRB Loan is recommended, and if so, the amount recommended. The Credit Underwriter or the Corporation may request such additional information as is necessary to properly analyze the credit risk being presented to the Corporation and the Bond holders.

(3) The Applicant shall review and provide written comments on the draft Credit Underwriting Report to the Corporation and the Credit Underwriter within the time frame established by the Corporation. The Corporation shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. The Credit Underwriter shall then review and incorporate the Corporation's and, if deemed appropriate, the Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within the established time frame. Then, the Credit Underwriter shall provide a final report, which shall address comments made by the Applicant to the Corporation.

(4) After approval by the Board of Directors following presentation of the Credit Underwriting Report and payment of one-half of the Good Faith Deposit, Corporation staff and Special Counsel shall begin negotiations of the MMRB Loan Commitment with the Applicant.

(5) At a minimum, a 10 percent retainage will be held by the Trustee or the servicer administering the construction loan funds until the Development is 50 percent complete. At 50 percent completion, no additional retainage will be held from the remaining draws. The total retainage dollars will be held by the Trustee or the servicer and released pursuant to the terms of the construction loan agreement.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508, 420.508(3)(b)3., 420.509 FS. History--New 1-7-98, Formerly 9I-21.014, Amended 1-26-99, 11-14-99, 1-26-00, 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07_____.

67-21.015 Use of Bonds with Other Affordable Housing Finance Programs.

(1) Applicants may submit one Application for the MMRB Program, SAIL, HOME Rental, competitive housing credits and non-competitive housing credits, subject to the restrictions set forth in the Universal Application Package.

(2) Applicants that receive funding from other programs and the Multifamily Mortgage Revenue Bond Program shall comply with the requirements of the applicable program rule and this rule.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508 FS. History--New 1-7-98, Formerly 9I-21.015, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, 4-1-07_____.

67-21.017 Transfer of Ownership.

(1) Any transfer of ownership of any Development shall be subject to compliance with the provisions of this section, provided that transfers of the limited partnership interest or limited liability company interest in the owner to a tax credit syndicator, or the transfer of ownership to a creditor by means of foreclosure or deed in lieu of foreclosure, need not comply with this provision. The determination of whether a transfer of ownership of a Development shall be deemed to take place for purposes of this rule shall be made in accordance with the provisions of the MMRB Land Use Restriction Agreement and other Program Documents for such Development. Owners shall advise the Corporation in writing of any change of ownership of the owner aggregating 50 percent or more of ownership interests in the owner within any six-month period.

(2) A request for transfer of ownership shall be submitted to the Corporation in writing and include evidence that the current owner has agreed to the proposed sale. A detailed opinion letter from the legal counsel for the current owner or prospective purchaser describing the scope of the proposed transaction must also be provided. The Corporation shall review the letter and, if acceptable, assign a Credit Underwriter. The Credit Underwriter will notify the current owner and prospective purchaser of any additional information necessary to complete its Credit Underwriting Report.

(3) Upon demonstration of compliance with the provisions of this section, and favorable consideration by the Board of Directors of the Credit Underwriting Report, the Corporation shall assign a Bond Counsel, Special Counsel, and other professionals as needed to effect the transfer.

(4) Prior to the transfer of ownership:

(a) The Credit Underwriter shall conduct a Credit Underwriting of the prospective purchaser upon any transfer of ownership. Additionally, the prospective purchaser shall be notified that any refunding of Bonds associated with such Development shall require a full Credit Underwriting of the Development. The prospective purchaser and the conditions of the assumption of the Program Documents must be approved by the Credit Underwriter as meeting the terms of its Credit Underwriting Report, Bond Counsel and Special Counsel as complying with all applicable legal requirements, and the Corporation as meeting the stated purposes of the Corporation,

(b) All outstanding fees owing to the Corporation or any of its assigned professionals shall be paid,

(c) The Development shall be in compliance with all existing regulatory requirements imposed by the Corporation or its predecessor, and

(d) If the set-aside requirements in the MMRB Land Use Restriction Agreement are expired or have less than 12 months remaining, such agreement shall be extended for a minimum of two years from the date of closing. All transfer of ownership transactions shall be subject to all conditions of the Credit Underwriting Report including the requirements for a guarantee of recourse obligations and an environmental indemnity from the assuming owner.

(5) The prospective purchaser or current owner shall be responsible for payment of all fees for professional services rendered in association with the transfer of ownership.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507, 420.508, 420.508(3)(a) FS. History--New 1-7-98, Formerly 9I-21.017, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, Amended 3-21-04, 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-21.018 Refundings and Troubled Development Review.

(1) Refunding of previously issued Bonds shall in all instances be at the option of the Corporation and not an obligation of the Corporation.

(2) The Corporation shall endeavor where feasible to refund Bonds which are either in default or face a pending default.

(3) Approval by the Corporation for a refunding of an issue of Bonds for reasons related to pending default shall be subject to the following:

(a) Determination of the likelihood of the impending default;

(b) Submission of a sworn certificate of impending default by the owner or Credit Enhancer;

(c) Submission of sworn certificate from the owner or Credit Enhancer that conditions causing default are likely to continue;

(d) Submission of certified information from a certified public accountant concerning cash contributions to the Development, financial condition of the Development, including analysis of tax benefits derived from Development losses, and the financial condition of the owner or Credit Enhancer;

(e) Independent evidence of market conditions in the Development location;

(f) Evidence of effort by the owner or Credit Enhancer to procure other sources of capital infusion;

(g) Statement by the owner or Credit Enhancer of the continued public purpose to be achieved by refunding;

(h) Agreement by the owner or Credit Enhancer to update the MMRB Land Use Restriction Agreement, including retention of state and federal income limits;

(i) New Credit Underwriting by the Corporation, with new Bond amount determined by the Corporation based upon real estate underwriting criteria and equal to the lesser of the

amount determined by the Corporation or the Credit Enhancer, to provide assurance that a similar default condition will not present itself in the future;

(j) The full risk of refunding is taken by the Credit Enhancer through full indemnification of the Corporation; with consideration given to personal indemnification from the owner if sufficient financial strength can be demonstrated;

(k) All costs of refunding are paid by the owner or the Credit Enhancer outside of Bond proceeds, including all applicable fees;

(l) Retention of annual fees by the Corporation;

(m) Provision of other evidence of the immediacy of default;

(n) Retention of the Credit Enhancement, or an acceptable non-Credit Enhancement structure; and

(o) Management of the Development is reviewed and approved by the Corporation.

(4) In connection with all refundings, the following shall apply:

(a) All outstanding fees of the Corporation and any of its assigned professionals shall be paid in connection with the refunding;

(b) The set-asides required by the original MMRB Land Use Restriction Agreement shall be increased by an amount and extended for a period determined by the Corporation;

(c) A Credit Underwriting Report shall be required, which may incorporate any Credit Underwriting undertaken within the past twelve months in connection with a transfer of ownership of the same Development;

(d) A guarantee of recourse obligations and an environmental indemnity shall be required;

(e) Additional operating deficit or other guarantees and establishment of replacement reserves or increase in existing reserves may be required as specified in the Credit Underwriting Report;

(f) The MMRB Loan shall immediately, on the earlier of 24 months after closing or stabilized occupancy in the case of major rehabilitation, begin full amortization over the remaining life of the Bonds; and in no event shall it exceed the economic remaining life of the property, provided that, in the case of a refunding relating to a pending financial default, such amortization may be delayed to the extent recommended in the Credit Underwriting Report;

(g) Any material changes to the underlying documents shall be deemed to constitute a refunding for purposes hereof;

(h) Any extension or extensions of maturity cumulatively exceeding 60 months shall be deemed to constitute a refunding for purposes hereof; and

(i) The owner of the Development must provide a written request for the refunding and a detailed opinion from Applicant’s counsel describing the scope of the transaction. It shall not be necessary to complete an Application in connection with a refunding request.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507, 420.508 FS. History—New 1-7-98, Formerly 9I-21.018, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-21.019 Issuance of Bonds for Section 501(c)(3) Entities.

(1) The Corporation shall entertain requests, on a non-competitive basis, for it to serve as the issuer of Tax-exempt 501(c)(3) Bonds for the acquisition or construction of multifamily housing to be owned by a not-for-profit entity organized under section 501(c)(3) of the IRC.

(2) In connection with all Bonds issued pursuant to this section, Applicants shall be required to comply with the applicable provisions of Rules 67-21.0045 through 67-21.018, F.A.C., Florida Statutes, and the IRC, including all safe harbor provisions.

(3) In addition, Applicant shall submit the following:

(a) An initial Bond Counsel fee of \$1,000 along with IRS Form 1023, which is adopted and incorporated herein by reference, and all attachments and correspondence to and from the IRS relative to section 501(c)(3) status of the Applicant. A copy of IRS Form 1023 is available on the IRS web site at www.irs.gov; and

(b) An opinion from Applicant’s counsel at Applicant’s sole expense evidencing the Applicant’s qualifications as a section 501(c)(3) entity and Applicant’s authority to incur bond debt for multifamily housing; and

(c) If a Development to be acquired is intended to be exempt from ad valorem taxes, evidence that it has notified all local ad valorem taxing authorities of the acquisition of the proposed Development by a section 501(c)(3) entity.

(d) The completed Universal Application in effect at the time the Applicant submits the Application. Applicants must meet all threshold requirements of the Application as well as achieve 50 percent of all points (excluding tie-breaker points) available in the Application.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(14), (24), 420.508 FS. History—New 11-14-99, Amended 2-11-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, 2-7-05, 1-29-06, Amended 4-1-07, Repromulgated _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephen P. Auger, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 33, No. 36, September 7, 2007

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing

- 67-48.023 Housing Credits General Program Procedures and Requirements
- 67-48.027 Tax-Exempt Bond-Financed Developments
- 67-48.028 Carryover Allocation Provisions
- 67-48.029 Extended Use Agreement
- 67-48.030 Sale or Transfer of a Housing Credit Development
- 67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall:

- (1) Administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes; and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and
- (2) Administer the Application process, determine Housing Credit amounts and implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the IRC and Section 420.5099, Florida Statutes.

The intent of this Rule Chapter is to encourage public-private partnerships to invest in residential housing; to stimulate the construction and rehabilitation of residential housing which in turn will stimulate the job market in the construction and related industries; and to increase and improve the supply of affordable housing in the state of Florida.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior Application Cycles to determine what changes or additions should be added to the Rule, Application and/or QAP. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply in the 2008 Application Cycle.

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

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.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: February 8, 2008, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301

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: Blake Carson-Poston. 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 RULES IS: Deborah Dozier Blinderman, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I ADMINISTRATION

67-48.001 Purpose and Intent.

The purpose of this rule chapter is to establish the procedures by which the Corporation shall:

- (1) Administer the Application process, determine loan amounts, make and service mortgage loans for new construction or Rehabilitation/Substantial Rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, F.S., and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, F.S.; and
- (2) Administer the Application process, determine Housing Credit amounts and implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the IRC and Section 420.5099, F.S.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2), 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.001, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, Amended 3-17-02, Repromulgated 4-6-03, 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, 4-1-07, Amended_____.

67-48.002 Definitions.

(1) “Act” means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(2) “Address” means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If address has not yet been assigned, include, at a minimum, street name and closest designated intersection, city, state and zip code.

(3) “Adjusted Income” means, with respect to a HOME Development, the gross income from wages, income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by HUD, adjusted for family size, minus the deductions allowable under 24 CFR § 5.611, which is adopted and incorporated herein by

reference and available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and Links.

(4) "Affiliate" means any person that, (i) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant, (ii) serves as an officer or director of the Applicant or of any Affiliate of the Applicant, or (iii) is the spouse, parent, child, sibling, or relative by marriage of a person described in (i) or (ii) above.

(5) "ALF" or "Assisted Living Facility" means a Florida licensed living facility that complies with Sections 429.01 through 429.54, F.S., and Chapter 58A-5, F.A.C.

(6) "Allocation Authority" means the total dollar volume of Competitive Housing Credits available for distribution by the Corporation and authorized pursuant to Section 42 of the IRC.

(7) "Applicable Fraction" means Applicable Fraction as defined in Section 42(c)(1)(B) of the IRC.

(8) "Applicant" means any person or legally formed entity that is seeking a loan or funding from the Corporation by submitting an Application for one or more of the Corporation's programs. For purposes of paragraph 67-48.0075(7)(b) and Rules 67-48.0105, 67-48.0205 and 67-48.031, F.A.C., Applicant also includes any assigns or successors in interest of the Applicant.

(9) "Application" means the forms and exhibits created by the Corporation for the purpose of providing the means to apply for one or more Corporation programs. A completed Application may include additional supporting documentation provided by an Applicant.

(10) "Application Deadline" means 5:00 p.m., Eastern Time, on the final day of the Application Period.

(11) "Application Period" means a period during which Applications shall be accepted as posted on the Corporation's Website and with a deadline no less than thirty days from the beginning of the Application Period.

(12) "Binding Commitment" means, with respect to a Housing Credit Development, an agreement between the Corporation and an Applicant by which the Corporation allocates and the Applicant accepts Housing Credits from a later year's Allocation Authority in accordance with Section 42(h)(1)(C) of the IRC.

(13) "Board of Directors" or "Board" means the Board of Directors of the Corporation.

(14) "Building Identification Number" means, with respect to a Housing Credit Development, the number assigned by the Corporation to describe each building in a Housing Credit Development, pursuant to Internal Revenue Service Notice 88-91, which is incorporated by reference and available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and Links.

(15) "Calendar Days" means, the seven (7) days of the week.

(16) "Carryover" means the provision under Section 42 of the IRC and Rule 67-48.028, F.A.C., which allows a Development to receive a Housing Credit Allocation in a given calendar year and be placed in service by the close of the second calendar year following the calendar year in which the allocation is made.

(17) "Catchment Area" means the geographical area covered under a Local Homeless Assistance Continuum of Care Plan, as designated and revised as necessary by the State Office on Homelessness, in accordance with Section 420.624, F.S.

(18) "CHDOs" or "Community Housing Development Organizations" means Community housing development organizations as defined in Section 420.503, F.S., and 24 CFR Part 92.

(19) "Commercial Fishing Worker" means Commercial fishing worker as defined in Section 420.503, F.S.

(20) "Commercial Fishing Worker Household" means a household of one or more persons wherein at least one member of the household is a Commercial Fishing Worker at the time of initial occupancy.

(21) "Competitive Housing Credits" or "Competitive HC" means those Housing Credits which come from the Corporation's annual Allocation Authority.

(22) "Compliance Period" means a period of time that the Development shall conform to all set-aside requirements as described further in the rule chapter and agreed to by the Applicant in the Application.

(23) "Consolidated Plan" means the plan prepared in accordance with 24 CFR Part 91, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and Links, and which describes needs, resources, priorities and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program.

(24) "Contact Person" means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

(25) "Corporation" means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(26) "Credit Underwriter" means the independent contractor under contract with the Corporation having the responsibility for providing stated credit underwriting services.

(27) "DDA" or "Difficult Development Area" means areas designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5), of the IRC.

~~(28)~~(27) “Department” means the Department of Community Affairs as defined in Section 420.503, F.S.

~~(29)~~(28) “Developer” means any individual, association, corporation, joint venturer, or partnership which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing as required in the Application.

~~(30)~~(29) “Development” means Project as defined in Section 420.503, F.S.

~~(31)~~(30) “Development Cash Flow” means, with respect to SAIL Developments, cash flow of a SAIL Development as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles (“GAAP”) and as adjusted for items including any distribution or payment to the Principal(s) or any Affiliate of the Principal(s) or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining debt service coverage in the Board approved final credit underwriting report.

~~(32)~~(31) “Development Cost” means the total of all costs incurred in the completion of a Development excluding developer fee and total land cost as shown in the Development Cost line item on the development cost pro forma within the Application.

~~(33)~~(32) “Development Expenses” means, with respect to SAIL Developments, usual and customary operating and financial costs, such as the compliance monitoring fee, the financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to SAIL Developments and to the application of Development Cash Flow described in subsections 67-48.010(5) and (6), F.A.C., the term includes only those expenses disclosed in the operating pro forma included in the final credit underwriting report, as approved by the Board.

~~(33) “DDA” or “Difficult Development Area” means areas designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5), of the IRC.~~

(34) “Document” means electronic media, written or graphic matter, of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible thing on which information is recorded.

(35) “Draw” means the disbursement of funds to a Development.

(36) “Elderly” means Elderly as defined in Section 420.503, F.S.

(37) “ELI Household” or “Extremely Low Income Household” means a household of one or more persons wherein the annual adjusted gross income for the Family is equal to or below the percentage of area median income for ELI Persons.

(38) “ELI Persons” or “Extremely Low Income Persons” means Extremely low income persons as defined in Section 420.0004(8), F.S., and for the Universal Cycle, will be as outlined in the ELI County Chart included in the Set-Aside Commitments section of the Universal Application instructions.

(39) “ELI Set-Aside” or “Extremely Low Income Set-Aside” means the number of units designated to serve ELI Households.

(40) “Eligible Persons” means one or more natural persons or a family, irrespective of race, creed, national origin, or sex, determined by the Corporation to be of Low Income or Very Low Income, as further described in Rule 67-48.0075, F.A.C.

(41) “EUA” or “Extended Use Agreement” means, with respect to the HC Program, an agreement ~~between the Corporation and the Applicant~~ which sets forth the set-aside requirements and other Development requirements under the HC Program.

(42) “Executive Director” means the Executive Director of the Corporation.

(43) “Family” describes a household composed of one or more persons.

(44) “Farmworker” means Farmworker as defined in Section 420.503, F.S.

(45) “Farmworker Household” means a household of one or more persons wherein at least one member of the household is a Farmworker at the time of initial occupancy.

(46) “Final Housing Credit Allocation” means, with respect to a Housing Credit Development, the issuance of Housing Credits to an Applicant upon completion of construction or Rehabilitation of a Development and submission to the Corporation by the Applicant of a completed and executed Final Cost Certification Application pursuant to Rule 67-48.023, F.A.C.

(47) “Financial Beneficiary” means any Developer and its principals or Principals of the Applicant entity who receives or will receive any direct or indirect a financial benefit from a Development except as outlined in paragraphs (a) and (b) below and as further described in Rule 67-48.0075, F.A.C.:

~~(a) 3 percent or more of Total Development Cost if Total Development Cost is \$5 million or less; or~~

~~(b) 3 percent of the first \$5 million and 1 percent of any costs over \$5 million if Total Development Cost is greater than \$5 million.~~

(48) “Financial Institution” means Lending institution as defined in Section 420.503, F.S.

(49) "Florida Keys Area" means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

(50) "Funding Cycle" means the period of time commencing with the Notice of Funding Availability or Notice of Credit Availability pursuant to this rule chapter and concluding with the issuance of allocations or loans to Applicants who applied during a given Application Period.

(51) "General Contractor" means a person or entity duly licensed in the state of Florida with the requisite skills, experience and credit worthiness to successfully provide the units required in the Application, and which meets the criteria described in Rule 67-48.0072, F.A.C.

(52) "Geographic Set-Aside" means the amount of Allocation Authority or funding which has been designated by the Corporation to be allocated for Developments located in specific geographical regions within the state of Florida.

(53) "HC" or "Housing Credit Program" means the rental housing program administered by the Corporation pursuant to Section 42 of the IRC and Section 420.5099, F.S., under which the Corporation is designated the Housing Credit agency for the state of Florida within the meaning of Section 42(h)(7)(A) of the IRC and Rule Chapter 67-48, F.A.C.

(54) "HOME" or "HOME Program" means the HOME Investment Partnerships Program administered by the Corporation pursuant to 24 CFR Part 92, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links, and Section 420.5089, F.S.

(55) "HOME-Assisted Unit" means the specific units that are funded with HOME funds. HOME units shall adhere to rent controls and income targeting requirements pursuant to 24 CFR § 92.252.

(56) "HOME Development" means any Development which receives financial assistance from the Corporation under the HOME Program.

(57) "HOME Rental Development" means a Development proposed to be constructed or rehabilitated with HOME funds.

(58) "HOME Rent-Restricted Unit" means the maximum allowable rents designed to ensure affordability on the HOME-Assisted Units.

(59) "Homeless" means a Family who lacks a fixed, regular, and adequate nighttime residence or a Family who has a primary nighttime residence that is:

(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing;

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term does not refer to any individual imprisoned or otherwise detained pursuant to state or federal law.

(60) "Housing Credit" means the tax credit issued in exchange for the development of rental housing pursuant to Section 42 of the IRC and the provisions of Rule Chapter 67-48, F.A.C.

(61) "Housing Credit Allocation" means the amount of Housing Credits determined by the Corporation as necessary to make a Development financially feasible and viable throughout the Development's Compliance Period pursuant to Section 42(m)(2)(A) of the IRC.

(62) "Housing Credit Development" means the proposed or existing rental housing Development(s) for which Housing Credits have been applied or received.

(63) "Housing Credit Extended Use Period" means, with respect to any building that is included in a Housing Credit Development, the period that begins on the first day of the Compliance Period in which such building is part of the Development and ends on the later of: (i) the date specified by the Corporation in the Extended Use Agreement or (ii) the date that is the fifteenth anniversary of the last day of the Compliance Period, unless earlier terminated as provided in Section 42(h)(6) of the IRC.

(64) "Housing Credit Period" means with respect to any building that is included in a Housing Credit Development, the period of 10 years beginning with:

(a) The taxable year in which such building is placed in service, or

(b) At the election of the Developer, the succeeding taxable year.

(65) "Housing Credit Rent-Restricted Unit" means, with respect to a Housing Credit Development, a unit for which the gross rent does not exceed 30 percent of the imputed income limitation applicable to such unit as chosen by the Applicant in the Application and in accordance with Section 42 of the IRC.

(66) "Housing Credit Set-Aside" means the number of units in a Housing Credit Development necessary to satisfy the percentage of units set-aside at 60 percent of the Area Median Income (AMI) or less as chosen by the Applicant in the Application.

(67) "Housing Credit Syndicator" means a person, partnership, corporation, trust or other entity that regularly engages in the purchase of interests in entities that produce Qualified Low Income Housing Projects [as defined in Section 42(g) of the Internal Revenue Code] and provides at least one

written reference in the Application that such person, partnership, corporation, trust or other entity has performed its obligation under the partnership agreements and is not currently in default under those agreements, in accordance with the Application instructions.

(68) “Housing Provider” means, with respect to a HOME Development, Local Government, consortia approved by HUD under 24 CFR Part 92, for-profit and Non-profit Developers, and qualified CHDOs, with demonstrated capacity to construct or rehabilitate affordable housing.

(69) “HUD” means the United States Department of Housing and Urban Development.

(70) “IRC” means Section 42 and subsections 501(c)(3) and 501(c)(4) of the Internal Revenue Code of 1986, as in effect on the date of this rule chapter, together with corresponding and applicable final, temporary or proposed regulations, notices, and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States, which are incorporated by reference and available on the Corporation’s Website under the 2008 2007 Universal Application link labeled Related Information and Links.

(71) “Lead Agency” means a Local Government or ~~n~~Non-pProfit serving as the point of contact and accountability to the State Office on Homelessness with respect to the Local Homeless Assistance of Continuum of Care Plan, in accordance with Section 420.624, F.S.

(72) “Local Government” means Local government as defined in Section 420.503, F.S.

(73) “Local Homeless Assistance Continuum of Care Plan” means a plan for developing and implementing a framework for a comprehensive and seamless array of housing and services to address the needs of homeless persons and persons at risk for homelessness, in accordance with Section 420.624, F.S.

(74) “Low Income” means the Adjusted Income for a Family which does not exceed 80 percent of the area median income.

(75) “LURA” or “Land Use Restriction Agreement” means an agreement ~~between the Corporation and the Applicant~~ which sets forth the set-aside requirements and other Development requirements under a Corporation program.

(76) “Match” means non-federal contributions to a HOME Development eligible pursuant to 24 CFR Part 92.

(77) “Mortgage” means Mortgage as defined in Section 420.503, F.S.

(78) “Non-Profit” means a qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under Chapter 617, F.S., if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51 percent of the ownership interest in the

Development held by the general partner or managing member entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing, as further described in Rule 67-48.0075, F.A.C.

(79) “Note” means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate and is secured by a Mortgage.

(80) “PBRA” or “Project-Based Rental Assistance” means a rental subsidy through a contract with HUD or RD in a property that is 20 or more years of age.

(81) “Portfolio Diversification” means a distribution of SAIL and HOME Program loans to Developments in varying geographic locations with varying design structures and sizes and with different types and identity of Sponsors.

(82) “Preliminary Allocation” means a non-binding reservation of Housing Credits issued to a Housing Credit Development which has demonstrated a need for Housing Credits and received a positive recommendation from the Credit Underwriter.

(83) “Preliminary Determination” means an initial determination by the Corporation of the amount of Housing Credits outside the Allocation Authority needed from the Treasury to make a Tax-Exempt Bond-Financed Development financially feasible and viable.

(84) “Preservation” means, with respect to a Competitive HC Development, Rehabilitation of existing developments receiving PBRA.

(85) “Principal” means (i) an Applicant, any general partner of an Applicant, any limited partner of an Applicant, any member of an Applicant, and any officer, director, or any shareholder of an Applicant, (ii) any officer, director, shareholder, manager, member, general partner or limited partner of any general partner and limited partner of an Applicant, (iii) any officer, director, shareholder, manager, member, general partner or limited partner of any manager and member of an Applicant, and (iv) any officer, director, shareholder, manager, member, general partner or limited partner of any shareholder of an Applicant.

(86) “Progress Report” or “Form Q/M Report” means, with respect to a Housing Credit Development, a report format that is required to be completed and submitted to the Corporation pursuant to Rule 67-48.028, F.A.C., and is adopted and incorporated herein by reference, effective January 2007. A copy of such form is available on the Corporation’s Website under the 2008 2007 Universal Application link labeled Related Information and Links or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(87) “Project” or “Property” means Project as defined in Section 420.503, F.S.

(88) “QAP” or “Qualified Allocation Plan” means, with respect to the HC Program, the ~~2008~~ ~~2007~~ Qualified Allocation Plan which is adopted and incorporated herein by reference, effective upon approval by the Governor of the state of Florida, pursuant to Section 42(m)(1)(B) of the IRC and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is available on the Corporation’s Website under the ~~2008~~ ~~2007~~ Universal Application link labeled Related information and Links or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(89) “QCT” or “Qualified Census Tract” means any census tract which is designated by the Secretary of Housing and Urban Development as having either 50 percent or more of the households at an income which is less than 60 percent of the area median gross income, or a poverty rate of at least 25 percent, in accordance with Section 42(d)(5)(C) of the IRC.

(90) “RD” or “Rural Development” means Rural Development Services (formerly the “Farmer’s Home Administration” or “FmHA”) of the United States Department of Agriculture.

(91) “Received” as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, United States ~~U.S.~~ Postal Service or other courier service, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

(92) “Rehabilitation” means, with respect to the HOME and Housing Credit Program(s), the alteration, improvement or modification of an existing structure, as further described in Rule 67-48.0075, F.A.C.

(93) “Review Committee” means a committee established pursuant to Sections 420.5087 and 420.5089, F.S.

(94) “RRLP” or “RRLP Program” means the Rental Recovery Loan Program which was created pursuant to Section 3, Chapter 2005-92, and Section 31, Chapter 2006-69, L.O.F., to facilitate the allocation of RRLP loans.

(95) “SAIL” or “SAIL Program” means the State Apartment Incentive Loan Program created pursuant to Sections 420.507(22) and 420.5087, F.S.

(96) “SAIL Development” means a residential development comprised of one (1) or more residential buildings, each containing five (5) or more dwelling units and functionally related facilities, proposed to be constructed or substantially rehabilitated with SAIL funds for Eligible Persons.

(97) “SAIL Minimum Set-Aside Requirement” means the least number of set-aside units in a SAIL Development which must be held for Very Low-Income persons or households pursuant to the category (i.e., Family, Elderly, Homeless, or Farmworker and Commercial Fishing Worker) under which the Application has been made, as further described in Rule 67-48.009, F.A.C.

(98) “Scattered Sites” for a single Development means a Development consisting of real property in the same county (i) any part of which is not contiguous (“non-contiguous parts”) or (ii) any part of which is divided by a street or easement (“divided parts”) and (iii) it is readily apparent from the proximity of the non-contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the divided parts of the real property are part of a common or related scheme of development.

(99) “Section 8 Eligible” means a Family with an income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, which is adopted and incorporated herein by reference and available on the Corporation’s Website under the ~~2008~~ ~~2007~~ Universal Application link labeled Related Information and Links.

(100) “Single Room Occupancy” or “SRO” means housing, consisting of single room dwelling units, that is the primary residence of its occupant or occupants. An SRO does not include facilities for students.

(101) “Sponsor” means Sponsor as defined in Section 420.503, F.S.

(102) “State Office on Homelessness” means the office created within the Department of Children and Family Services under Section 420.622, F.S.

(103) “Substantial Rehabilitation” means, with respect to the SAIL Program, to bring a Development back to its original state with added improvements, where the value of such repairs or improvements (excluding the costs of acquiring or moving a structure) exceeds 40 percent of the appraised as is value (excluding land) of such Development before repair. For purposes of this definition, the value of the repairs or improvements means the Development Cost. To be considered “Substantial Rehabilitation,” there must be at least the foundations remaining from the previous structures, suitable to support the proposed construction.

(104) “Tax Exempt Bond-Financed Development” means a Development which has been financed by the issuance of tax-exempt bonds subject to applicable volume cap pursuant to Section 42(h)(4) of the IRC.

(105) “Tie-Breaker Measurement Point” means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than four (4) units.

(106) “Total Development Cost” means the total of all costs incurred in the completion of a Development, all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation pursuant to this rule chapter, and as further described in Rule 67-48.0075, F.A.C.

(107) “Treasury” means the United States Department of Treasury or other agency or instrumentality created or chartered by the United States to which the powers of the Department of Treasury have been transferred.

(108) “Universal Cycle” means any funding cycle provided for in this or previous versions of this rule chapter.

(109) “Urban In-Fill Development” means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, a HUD-approved Neighborhood Revitalization Strategy, Florida Enterprise Zone, area designated under a Community Development Block Grant (CDBG), area designated as HOPE VI or Front Porch Florida Community, or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

(110) “Very Low-Income” means

(a) With respect to the SAIL Program,

1. If using tax-exempt bond financing for the first mortgage, income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as in effect on the date of this rule chapter; or

2. If using taxable financing for the first mortgage, total annual gross household income which does not exceed 50 percent of the median income adjusted for family size, or 50 percent of the median income adjusted for family size for households within the metropolitan statistical area (MSA), within the county in which the Family resides, or within the state of Florida, whichever is greater; or

3. If used in a Development using Housing Credits, income which meets the income eligibility requirements of Section 42 of the IRC; or

(b) With respect to the HOME Program, income which does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for family size, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on a basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

(111) “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) for which is www.floridahousing.org.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.002, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07.

67-48.004 Application and Selection Procedures for Developments.

(1) When submitting an Application, Applicants must utilize the Universal Application in effect at the Application Deadline.

(a) The Universal Application Package or UA1016 (Rev. ~~3-08~~ ~~3-07~~) is adopted and incorporated herein by reference and consists of the forms and instructions, obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or available, without charge, on the Corporation’s Website under the 2008 ~~2007~~ Universal Application link labeled Instructions and Application, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the SAIL, HOME, HC, or SAIL and HC Program(s).

(b) All Applications must be complete, legible and timely when submitted, except as described below. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation’s facilities or equipment for purposes of compiling or completing an Application.

(2) Failure to submit an Application completed in accordance with the Application instructions and these rules will result in the failure to meet threshold, rejection of the Application, a score less than the maximum available, or a combination of these results in accordance with the instructions in the Application and this rule chapter.

(3) Each submitted Application shall be evaluated and preliminarily scored using the factors specified in the Universal Application Package and these rules. Preliminary scores shall be transmitted to all Applicants.

(4) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant’s Application must file with the Corporation, within eight (8) Calendar Days of the date of the preliminary scores are sent by overnight delivery by the Corporation, a written Notice of Possible Scoring Error (NOPSE). Each NOPSE must specify the assigned Application number of the Applicant submitting the NOPSE, the assigned Application number of the Application in question and the scores in question, as well as describe the alleged deficiencies in detail. Each NOPSE is limited to the review of only one Application’s score. Any NOPSE that seeks the review of more than one Application’s score will be considered improperly filed and ineligible for

review. There is no limit to the number of NOPSEs that may be submitted. The Corporation's staff will review each written NOPSE Received timely.

(5) The Corporation shall transmit to each Applicant the NOPSEs submitted by other Applicants with regard to its Application. The notice shall also include the Corporation's decision regarding the NOPSE, along with any other items identified by the Corporation to be addressed by the Applicant, which may include financial obligations for which an Applicant or Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears to the Corporation or any agent or assignee of the Corporation as of the due date for NOPSE filing as set forth in subsection (4) above.

(6) Within 11 Calendar Days of the date of the notice set forth in subsection (5) above is sent by overnight delivery by the Corporation, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to subsections (3) and (5) above that could result in failure to meet threshold or a score less than the maximum available. A new form, page or exhibit provided to the Corporation during this period shall be considered a replacement of that form, page or exhibit if such form, page or exhibit was previously submitted in the Applicant's Application. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety, including all attachments and exhibits referenced therein, even if only a portion of the original document was revised. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. To be considered by the Corporation, the Applicant must submit an original and three copies of all additional documentation and revisions, and such revisions, changes and other information must be Received by the deadline set forth herein. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s).

(7) Within seven (7) Calendar Days of the deadline for receipt by the Corporation of the documentation set forth in subsection (6) above, all Applicants may submit to the Corporation a Notice of Alleged Deficiencies (NOAD) in any other Application. Each NOAD is limited only to issues created by document revisions, additions, or both, by the Applicant submitting the Application pursuant to subsection (6) above. Each NOAD must specify the assigned Application number of the Applicant submitting the NOAD, the assigned Application number of the Application in question, the pages and the documents in question, as well as describe the alleged deficiencies in detail. Each NOAD is limited to the review of

only one Applicant's submission. However, there is no limit to the number of NOADs which may be submitted. NOADs which seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Corporation will only review each written NOAD Received timely.

(8) The Corporation shall transmit a copy of all NOADs to the affected Applicant.

(9) Following the receipt and review by the Corporation of the documentation described in subsections (5), (6) and (7) above, the Corporation shall then prepare final scores. In determining such final scores, no Application shall fail threshold or receive a point reduction as a result of any issues not previously identified in the notices described in subsections (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsections (6) and (7) above will still be justification for rejection of the Application, threshold failure, or reduction of points, as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in subsection (14) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application. The Corporation shall then transmit final scores to all Applicants.

(10) The availability of any remaining funds or Allocation Authority shall be noticed or offered to a Development as approved by the Board of Directors. With respect to the HC Program, in the event there remains Allocation Authority after the Corporation has exhausted its waiting list of Applications during a Funding Cycle and time requirements preclude an Application Period and notice thereof, the Corporation shall allocate any unused Allocation Authority to any eligible Development meeting the requirements of Section 42 of the IRC and in accordance with the Qualified Allocation Plan.

(11) Except for Local Government-issued Tax-Exempt Bond-Financed Developments that submit a separate Application for non-competitive Housing Credits, Applications shall be limited to one submission per subject property. Two or more Applications, submitted in the same Funding Cycle, that have the same demographic commitment and one or more of the same Financial Beneficiaries, will be considered submissions for the same Development if any of the following is true: (i) any part of any of the property sites is contiguous with any part of any of the other property sites, or (ii) any of the property sites are divided by a street or easement, or (iii) it is readily apparent from the Applications, proximity, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development. If two or more Applications are considered to be submissions for the same Development, the Corporation will reject all such Applications except the Applications with the highest (worst) lottery number. The Application(s) with the

lowest lottery number(s) will still be rejected even if the Applicant withdraws the Application with the highest (worst) lottery number.

(12) If the Board determines that any Applicant or any Affiliate of an Applicant:

- (a) Has engaged in fraudulent actions;
- (b) Has materially misrepresented information to the Corporation regarding any past or present Application or Development;
- (c) Has been convicted of fraud, theft or misappropriation of funds;
- (d) Has been excluded from federal or Florida procurement programs; or
- (e) Has been convicted of a felony;

And that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two (2) years, which will begin from the date the Board makes such determination. Such determination shall be either pursuant to a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(13) The Corporation shall reject an Application if, following the submission of the additional documentation, revised pages and other information as the Applicant deems appropriate as described in subsection (6) above:

- (a) The Development is inconsistent with the purposes of the SAIL, HOME, or HC Program(s) or does not conform to the Application requirements specified in this rule chapter;
- (b) The Applicant fails to achieve the threshold requirements as detailed in these rules, the applicable Application, and Application instructions;
- (c) The Applicant fails to file all applicable Application pages and exhibits which are provided by the Corporation and adopted under this rule chapter;

(d) ~~The Applicant fails to satisfy any arrearages described in subsection (5) above or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation or any agent or assignee of the Corporation.~~ For purposes of the SAIL and HOME Programs, this rule subsection does not include permissible deferral of SAIL or HOME interest.

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(a) Name of Applicant; notwithstanding the foregoing, the name of the Applicant may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting;

(b) Identity of each Developer, including all co-Developers; notwithstanding the foregoing, the identity of the Developer(s) may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting;

(c) Program(s) applied for;

(d) Applicant applying as a Non-Profit or for-profit organization;

(e) Site for the Development; notwithstanding the foregoing, after the Applicant has been invited to enter credit underwriting and subject to written request of an Applicant to Corporation staff and approval of the Corporation, the site for the Development may be increased or decreased, provided the Tie Breaker Measurement Point is on the site and the total proximity points awarded during scoring are not reduced;

(f) Development Category;

(g) Development Type;

(h) Designation selection;

~~(i) County;~~

~~(j) Total number of units; notwithstanding the foregoing, for the SAIL and HC Programs Competitive HC only Applications the total number of units may be increased after the Applicant has been invited to enter credit underwriting, subject to written request of an Applicant to Corporation staff and approval of the Corporation;~~

~~(k) With regard to the SAIL and HC Programs, the ELI Set-Aside commitment on the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application;~~

~~(l) With regard to the SAIL and HC Programs, the Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application. With regard to the HOME Program, the Total Set-Aside Percentage as stated in the Set-Aside Commitment section of the Application, unless the change results from the revision allowed under paragraph (m) below;~~

~~(n) CHDO election for the HOME Program;~~

~~(m) Funding Request (except for Taxable Bonds) amount; notwithstanding the foregoing, requested amounts can be changed only as follows:~~

1. Reduced by the Applicant to reflect the maximum request amount allowed in those instances where an Applicant requested more than its request limit, or
2. When the county in which the Development is located is newly designated as a Difficult Development Area (DDA) after the Application Deadline but prior to the end of the cure

period outlined in Rule 67-48.004, F.A.C.: (i) an Applicant, who has not failed threshold for exceeding its Competitive HC request limit, may increase its Competitive HC request by an amount equaling 30 percent, rounded to whole dollars, of the remainder of the Applicant's initial request amount, or (ii) an Applicant, that failed threshold during preliminary scoring for requesting more than its Competitive HC request limit because the Development was not then designated as being in a DDA, may increase its Competitive HC request amount to the maximum allowable amount for the Development.

~~(n)(6)~~ Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;

~~(o)(7)~~ Payment of the required Application fee by the Application Deadline:-

~~(p)(8)~~ The Application labeled "Original Hard Copy" must include a properly completed Applicant Certification and Acknowledgement form reflecting an original signatures.

All other items may be submitted as cures pursuant to subsection (6) above.

With regard to paragraphs (a) and (b) above, the Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested change.

(15) A Development will be withdrawn from funding and any outstanding commitments for funds or HC will be rescinded if, at any time, the Board determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

(16) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with Section 42 of the IRC, this rule chapter, or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended as of the time of submission of the Application or at the time of issuance of a credit underwriting report, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Corporation's programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(17) With respect to the SAIL, HOME and HC Program Applications, when two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.

(18) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until the issuance of the final scores as set forth in subsection (9) above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Application. If an Applicant or its representative does contact a Board member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(19) Applicants may withdraw an Application from consideration only by submitting a written notice of withdrawal to the Corporation Clerk. Applicants may not rescind any notice of withdrawal that was submitted to the Corporation Clerk. For ranking purposes, the Corporation shall disregard any withdrawal that is submitted after 5:00 p.m., Eastern Time, 14 Calendar Days prior to the date the Board is scheduled to convene to consider approval of the final ranking of the Applications and such Application shall be included in the ranking as if no notice of withdrawal had been submitted. After the Board has approved the final ranking, any notice of withdrawal submitted during the time period prohibited above and before the Board approves the final ranking, shall be deemed withdrawn immediately after Board approval of the final ranking. If an Applicant has applied for two or more programs, the withdrawal by the Applicant from any one program will be deemed by the Corporation to be a withdrawal of the Application from all programs.

(20) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is requested in writing and approved in writing by the Corporation. The Corporation shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant such request.

(21) If an Applicant or any Affiliate of an Applicant has offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution and this is discovered prior to Board approval of the final ranking, the Corporation shall reject the Application and any other Application submitted by the same Applicant and any Affiliate of the Applicant. If discovered after the Board approves final ranking, any tentative funding or allocation for the Application and any other Application submitted in the same cycle by the same Applicant and any Affiliate of the Applicant will be withdrawn. Such Applicant and any of such Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for

a period of up to two (2) years, which will begin the date the Board issues a final order on such matter, in a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S.

Specific Authority 420.507, 420.507(22)(f) FS. Law Implemented 420.5087, 420.5087(6)(c), 420.5089, 420.5089(6), 420.5099, 420.5099(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.004, Amended 4-7-98, 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07.

67-48.005 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by Rule 67-48.004, F.A.C., each Applicant will be provided with its final score and notice of rights, which shall constitute the point of entry to contest any issue related to the Applicant's Application for the SAIL Program, the HOME Program or the HC Program.

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation within 21 Calendar Days after the date the Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, excluding the caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from the date of issuance of the recommended order. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders.

(4) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S., and in accordance with the prioritization of the QAP and Rule Chapter 67-48, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are

approved by the Board, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior to the date the final rankings were presented to the Board, provide the requested funding, allocation, or both, from the next available funding, allocation, or both, whether in the current year or a subsequent year. If the final order is executed on or before the Corporation issues the current year's final scores, the funding, allocation, or both, will come from the current year. If the final order is executed after the Corporation issues the current year's final scores, the funding, allocation, or both, will come from the subsequent year. Funding refers to SAIL or HOME and allocation refers to HC. Nothing contained herein shall affect any applicable credit underwriting requirements.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the point of entry to contest any ranking or scoring issue related to any other Applications for the SAIL Program, the HOME Program or the HC Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue, score or ranking sought to be challenged.

(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-48.004(6), F.A.C.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time the Corporation provided the Applicant with its final ranking.

(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.

(6) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding as described in subsection (5) above concerning the final ranking of another Application, shall be allowed the opportunity to submit written arguments to the Board. Any written arguments should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, excluding the caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from the date of issuance of the recommended order. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested funding, allocation, or both from the next available funding, allocation, or both, whether in the current year or a subsequent year. If the final order is executed on or before the Corporation issues the current year's final scores, the funding, allocation, or both, will come from the current year. If the final order is executed after the Corporation issues the current year's final scores, the funding, allocation, or both, will come from the subsequent year. Funding refers to SAIL or HOME and allocation refers to HC. Nothing contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) above.

Specific Authority 420.507 FS. Law Implemented 120.569, 120.57, 420.5087, 420.5089, 420.5099 FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.005, Amended 4-7-98, 11-9-98, 2-24-00, 2-22-01, 3-17-02, 10-8-02, 12-4-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, _____.

67-48.007 Fees.

The Corporation, the Credit Underwriter or the environmental provider shall collect via check or money order the following fees and charges in conjunction with the SAIL, HOME and/or HC Program, as outlined in the Universal Application instructions:

- (1) Universal Application Package fee, if applicable.
- (2) Application fee.
- (3) Credit Underwriting fees.
- (4) Administrative fees.
- (5) Commitment fees.
- (6) Compliance monitoring fees.

- (7) Loan servicing fees.
- (8) Construction inspection fees.
- (9) Financial monitoring fees.
- (10) Tax-exempt mortgage financing fees.
- (11) HUD environmental fees.
- (12) Qualified Contract Package fees.
- (13) Assumption/Renegotiation fees.
- (14) Loan Closing eExtension fees.

All of the fees set forth above with respect to the SAIL Program are part of Development Cost and can be included in the Development Cost pro forma and paid with SAIL loan proceeds. Failure to pay any fee shall cause the firm loan commitment under any program to be terminated or shall constitute a default on the respective loan documents.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5099 FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.007, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, 1-29-06, 4-1-07, _____.

67-48.0072 Credit Underwriting and Loan Procedures.

The credit underwriting review shall include a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, the evidence of need for affordable housing in order to determine that the Development meets the program requirements and determine a recommended SAIL or HOME loan amount, Housing Credit allocation amount or a combined SAIL loan amount and Housing Credit Allocation amount, if any. Corporation funding will be based on appraisals of comparable developments, cost benefit analysis, and other documents evidencing justification of costs. As part of the credit underwriting review, the Credit Underwriter will consider the applicable provisions of Rule Chapter 67-48, F.A.C.

(1) After the final rankings are approved by the Board, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Development.

(2) For SAIL and HOME Applicants and Applicants eligible for a supplemental loan, the invitation to enter credit underwriting constitutes a preliminary commitment.

(3) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter not later than seven (7) Calendar Days after the date of the letter of invitation.

(4) If the credit underwriting invitation is accepted:

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within seven (7) Calendar Days of the date of the letter of invitation.

(b) Failure to submit the required credit underwriting fee by the specified deadline shall result in withdrawal of the invitation and issuance of an invitation to the next eligible

Applicant as outlined in the Universal Application instructions. For HOME Applicants that apply and qualify as a Non-Profit entity, the Corporation shall bear the cost of the credit underwriting review and environmental review. However, if the HOME commitment is canceled for failure to adhere to rule deadlines or for reasons within the Applicant's control, the Development will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.

(c) For SAIL and HOME Applicants and Applicants eligible for a supplemental loan, the loan(s) must close within 14 months of the issuance of the preliminary commitment. Applicants may request one (1) extension of up to 10 months. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested extension. The Corporation shall charge a non-refundable extension fee of 1 percent of each loan amount if the Board approves the request to extend the commitment beyond the initial 14 month period. In the event the loan does not close within 24 months of the issuance of the preliminary commitment, the preliminary commitment or firm commitment, as applicable, will be deemed void and the funds will be deobligated.

~~(d) A Tax-Exempt Bond-Financed Development that has previously received an allocation of Competitive HC for the proposed Development shall, as part of its acceptance to enter credit underwriting for SAIL (if the proposed Development will be funded with Local Government-issued tax-exempt bonds) or MMRB and SAIL (if the proposed Development will be funded with Corporation-issued tax-exempt bonds and SAIL), also acknowledge to the Corporation that it is returning any previously received allocation of Competitive HC for the proposed Development.~~

(5) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Housing Credit Syndicator, General Contractor, and, if an ALF, the service provider(s), as well as other members of the Development team.

(6) If an Applicant or Developer or Housing Credit Syndicator or any Financial Beneficiary of an Applicant or Developer has been a party of any Development which has been or is in the process of being foreclosed upon or is in arrears to the Corporation or any agent or assignee of the Corporation, the Credit Underwriter will consider this and other past performance issues in determining whether or not to provide a positive recommendation.

(7) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting.

(8) The Applicant will be responsible for all fees in connection with the documentation submitted to the Credit Underwriter.

(9) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(10) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed property's financial feasibility. Appraisals which have been ordered and submitted by third party credit enhancers, first mortgagors or Housing Credit Ssyndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. The market study must be completed by a disinterested party who is approved by the Credit Underwriter. The Credit Underwriter shall consider the market study, the Development's financial impact on Developments in the area previously funded by the Corporation, and other documentation when making its recommendation of whether to approve or disapprove a loan, a Housing Credit Allocation, a combined SAIL loan and Housing Credit Allocation, or a Housing Credit Allocation and supplemental loan. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(11) The proposed Development must demonstrate, based on current rates, that it can meet minimum 1.10 debt service coverage (DSC) requirements with all first and second mortgages for Competitive Housing Credits and non-competitive Housing Credits without SAIL. For HOME Applications, the minimum debt service coverage shall be 1.10 for the HOME loan, including all superior mortgages. For SAIL Applications, the minimum debt service coverage shall be 1.10 for the SAIL loan, including all superior mortgages. However, if the Applicant defers at least 35 percent of its developer fee for at least six (6) months following construction completion, the minimum debt service coverage shall be 1.00 for the SAIL loan, including all superior mortgages. For SAIL and HOME Applications, the maximum debt service coverage shall be 1.50 for the SAIL or HOME loan, including all superior mortgages. In extenuating circumstances, such as when the Development has deep or short term subsidy, the debt

service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis. Developments receiving first mortgage funding from the United States Department of Agriculture Rural Development (RD) are not required to meet the debt service coverage standards if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the first and second mortgages.

(12) The Corporation's assigned Credit Underwriter shall require a guaranteed maximum price or stipulated sum construction contract, which may include change orders for changes in cost or changes in the scope of work, or both, if all parties agree, and shall order, at the Applicant's sole expense, and review a pre-construction analysis for all new construction or a physical needs assessment for Rehabilitation or Substantial Rehabilitation and review the Development's costs.

(13) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum amount of \$250 ~~\$200~~ per unit must be used for all Developments. However, the amount may be increased based on a physical needs assessment. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50 percent of the required replacement reserves for two (2) years and must be placed in escrow at closing.

(14) For SAIL, HOME, and HC Applications, the underwriters may request additional information, but at a minimum for SAIL and HOME, the following will be required during the underwriting process:

(a) For credit enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

(b) For the Applicant, general partner(s), and guarantors, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 6, 2003, which is incorporated by reference and available on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related

Information and Links, and the two most recent years' tax returns. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(c) For the General Contractor, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100 percent of the total construction cost whose terms do not adversely affect the Corporation's interest, and is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

(15) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) Liquidity of the guarantor.

(b) Developer and General Contractor's history in successfully completing Developments of similar nature.

(c) Problems encountered previously with Developer or contractor.

(d) Exposure of Corporation funds compared to Total Development Cost.

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond whose terms do not adversely affect the Corporation's interest will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed. However, a completion guarantee will not be required if SAIL funds are not drawn until evidence of lien free completion is provided.

(16) For all Developments, the Developer fee and General Contractor's fee shall be limited to:

(a) The Developer fee shall be limited to 16 percent of Development Cost. A Developer fee of 18 percent of Development Cost shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027, F.A.C., pertaining to Tax-Exempt Bond-Financed Developments. ~~However, the Developer fee shall be limited to 10 percent of Development Cost for those Developments involving Rehabilitation or Substantial Rehabilitation of buildings which have received a Corporation funding commitment or a Final Housing Credit Allocation for other construction work within 14 years of the Application Deadline.~~

(b) The General Contractor's fee shall be limited to a maximum of 14 percent of the actual construction cost.

(17) The General Contractor must meet the following conditions:

(a) Employ a Development superintendent and charge the costs of such employment to the general requirements line item of the General Contractor's budget;

(b) Charge the costs of the Development construction trailer, if needed, and other overhead to the general requirements line item of the General Contractor's budget;

(c) Secure building permits, issued in the name of the General Contractor;

(d) Secure a payment and performance bond whose terms do not adversely affect the Corporation's interest (or approved alternate security for General Contractor's performance, such as a letter of credit), issued in the name of the General Contractor, from a company rated at least "A-" by AMBest & Co.;

(e) Ensure that none of the General Contractor duties to manage and control the construction of the Development are subcontracted; and

(f) Ensure that not more than 20 percent of the construction cost is subcontracted to any one entity unless otherwise approved by the Board for a specific Development.

(19) Contingency reserves which total no more than 5 percent of hard and soft costs for new construction and no more than 15 percent of hard and soft costs for Rehabilitation or Substantial Rehabilitation may be included within the Total Development Cost for Application and underwriting purposes. Contingency reserves shall not be paid from SAIL or HOME funds. (18) For SAIL and HOME Applications, the Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of six (6) consecutive months for the combined permanent first mortgage and SAIL or HOME loan. An operating deficit guarantee, to be released upon achievement of 1.00 debt service coverage for a minimum of six (6) consecutive months for the combined permanent first mortgage and SAIL or HOME loan will be required for Developments receiving first mortgage funding from the United States Department of Agriculture Rural Development (RD) if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the SAIL or HOME loan and all superior mortgages.

(20) The Credit Underwriter will review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Development.

(21) All Applicants must provide the items required by the Credit Underwriter within 10 months of the Applicant's acceptance to enter credit underwriting. For HC Developments, all preliminary items required for the Credit Underwriter's preliminary HC allocation recommendation must be provided to the Credit Underwriter within 21 Calendar Days of the date of the invitation to enter credit underwriting.

Unless an extension is approved by the Corporation in writing, failure to submit the required credit underwriting information by the specified deadline(s) shall result in withdrawal of the preliminary commitment or, if applicable, the HC invitation to enter credit underwriting, and the funds will be distributed as outlined in the Universal Application instructions. The Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested extension.

(22) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless a written extension of time has been approved by the Corporation, shall result in rejection of the Application. If the Application is rejected, the Corporation will select additional Application(s) as outlined in the Universal Application instructions.

(23) The Credit Underwriter shall complete its analysis and submit a written draft report and recommendation to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the section of the written draft report consisting of supporting information and schedules. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours of receipt. After the 48 hour period, the Corporation shall provide to the Credit Underwriter comments on the draft report and, as applicable, on the Applicant's comments. Then, the Credit Underwriter shall review and incorporate, if deemed appropriate, the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of the revised report. Then, the Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(24) For SAIL and HOME Applications and HC Applications eligible for a supplemental loan, the Credit Underwriter's loan recommendations will be sent to the Board for approval.

(25) After approval of the Credit Underwriter's recommendation for funding by the Board, the Corporation shall issue a firm loan commitment.

(26) For SAIL and HOME Applications and HC Applications eligible for a supplemental loan, these loans and other mortgage loans related to the construction of the Development ~~and the loan(s)~~ must close within 60 Calendar Days of the date of the firm loan commitment(s) unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The Board shall

consider the facts and circumstances of each Applicant’s request and any credit underwriting report, if available, prior to determining whether to grant the requested extension. For SAIL and HOME Applications, the Corporation shall charge an extension fee of one-half of one percent of the SAIL or HOME loan amount if the Board approves the request to extend the SAIL or HOME commitment beyond the period outlined in this rule chapter.

(27) At least five (5) Calendar Days prior to any loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel, and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

(28) For Housing Credit Applications, the Credit Underwriter shall use the following procedures during the credit underwriting evaluation:

(a) The Credit Underwriter, in determining the amount of Housing Credits a Development is eligible for when using the qualified basis calculation, shall use a Housing Credit percentage of:

1. Thirty (30) basis points over the percentage as of the date of invitation to credit underwriting up to 9 percent for 9 percent credits for new construction and Rehabilitation Developments;

2. Fifteen (15) basis points over the percentage as of the date of invitation to credit underwriting up to 4 percent for 4 percent credits for acquisition and federally subsidized Developments. A percentage of 15 basis points over the percentage as of the date of invitation to final credit underwriting up to 4 percent will be used for Developments receiving tax-exempt bonds.

(b) Costs such as syndication fees and brokerage fees cannot be included in eligible basis. All consulting fees must be paid out of the Developer fee. Consulting fees cannot cause the Developer fee to exceed the maximum allowable fee as set forth in subsection 67-48.0072(16), F.A.C.

(c) All contracts for hard or soft Development Costs must be itemized for each cost component.

(d) The allocation amount for acquisition Housing Credits shall be limited to the lesser of the sale price or the appraised value of the building(s).

~~(e)~~ If the Credit Underwriter is to recommend a Competitive Housing Credit allocation, the recommendation will be the lesser of (i) the qualified basis calculation result, (ii) the gap calculation result, or (iii) the Applicant’s request amount. In the event the Credit Underwriter is making a recommendation for non-competitive Housing Credits, the recommendation will be the lesser of the qualified basis calculation result or the gap calculation result.

(29) If the Credit Underwriter recommends that Housing Credits be allocated to the Development, the Corporation shall determine the credit amount, if any, necessary to make the Development financially feasible and viable throughout the Housing Credit Extended Use Period and shall issue a Preliminary Allocation certificate or a Preliminary Determination of Housing Credits in the case of Tax-Exempt Bond-Financed Developments. If the Credit Underwriter recommends that no credits be allocated to the Development and the Executive Director accepts the recommendation, the Applicant shall be notified that no Housing Credits will be allocated to the Development. No Preliminary Allocation certificate shall be issued on a RD (formerly FmHA) Development which competed for Housing Credits within the RD set-aside and has not received an Obligation of Funding (Form RD 3560-51, Rev. 02-05), an Assumption Agreement (Form RD 3560-21, Rev. 02-05), a Reamortization Agreement (Form RD 3560-16, Rev. 02-05), or a combination of these RD forms by October 1st of the year the Applicant is invited into credit underwriting. The RD Forms 3560-51, 3560-21 and 3560-16 are adopted and incorporated herein by reference and available on the Corporation’s Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links. All contingencies required in the Preliminary Allocation shall be met or satisfied by the Applicant within 45 Calendar Days from the date of issuance or as otherwise indicated on the certificate unless an extension of this deadline is requested in writing by the Applicant and is granted by the Corporation in writing for good cause.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.5099 FS. History—New 2-7-05, Amended 1-29-06, 4-1-07.

67-48.0075 Miscellaneous Criteria.

(1) In addition to the alteration, improvement or modification of an existing structure, Rehabilitation with respect to the HOME Program and Rehabilitation or Preservation with respect to the Housing Credit Program also includes:

(a) For HOME Developments, moving an existing structure to a foundation constructed with HOME funds. Rehabilitation may include adding rooms outside the existing walls of a structure, but adding a housing unit is considered new construction.

(b) For Housing Credit Developments, what is stated in Section 42(e) of the IRC, with the exception of Section 42(e)(3)(A)(ii)(II), which, for the purposes of Competitive HC, is changed to read: “II. The requirement of this subclause is met if the qualified basis attributable to such amount, when divided by the number of low-income units, in the building, is \$20,000 or more,” and, for the purposes of all other HC, is changed to read: “II. The requirement of this subclause is met

if the qualified basis attributable to such amount, when divided by the number of low-income units, in the building, is \$10,000 or more.”

(2) For purposes of this rule chapter, in accordance with Section 42 of the IRC, a for-profit entity wholly owned by one or more qualified non-profit organizations will constitute a Non-Profit entity. The purpose of the Non-Profit must be, in part, to foster low-income housing and such purpose must be reflected in the Articles of Incorporation of the Non-Profit entity. To evidence its qualification as a Non-Profit entity, the Applicant must provide within its Application a written opinion from legal counsel. The total cost of securing this written legal opinion will be borne entirely by the Applicant. A Non-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit Corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement and the Extended Use Agreement. If an Applicant applies to the Corporation as a Non-Profit entity but does not qualify as such, the Application will fail threshold.

(3) Total Development Cost includes the following:

(a) The cost of acquiring real property and any buildings thereon, including payment for options, deposits, or contracts to purchase properties.

(b) The cost of site preparation, demolition, and development.

(c) Any expenses relating to the issuance of tax-exempt bonds or taxable bonds, if any, related to the particular Development.

(d) Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, Developer fee, and the Corporation.

(e) The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction, rehabilitation, or reconstruction of the Development.

(f) The cost of the construction, rehabilitation, and equipping of the Development.

(g) The cost of land improvements, such as landscaping and offsite improvements related to the Development, whether such costs are paid in cash, property, or services. However, offsite improvements are not eligible to be paid with HOME funds.

(h) Expenses in connection with initial occupancy of the Development.

(i) Allowances for contingency reserves and reserves for any anticipated operating deficits during the first two (2) years after completion of the Development.

(j) The cost of such other items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for the Corporation's bonds, for the construction or Rehabilitation/Substantial Rehabilitation of the Development.

(4) In determining the income standards of Eligible Persons for its various programs, the Corporation shall take into account the following factors:

(a) Requirements mandated by federal law.

(b) Variations in circumstances in the different areas of the state.

(c) Whether the determination is for rental housing.

(d) The need for family size adjustments to accomplish the purposes set forth in this rule chapter.

With respect to the HC Program, an Eligible Person shall mean a Family having a combined income which meets the income eligibility requirements of the HC Program and Section 42 of the IRC.

(5) Financial Beneficiary, as defined in Rule 67-48.002, F.A.C., does not include third party lenders, third party management agents or companies, Housing Credit Syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or contractors whose total fees are within the limit described in Rule 67-48.0072, F.A.C.

(6) For computing any period of time allowed by this rule chapter, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

(7) Supplemental loans will be subject to the credit underwriting provisions outlined in Rule 67-48.0072, F.A.C., and the loan provisions outlined below:

(a) The terms and conditions of the supplemental loan shall be as follows:

1. The supplemental loan shall be (i) based on each ELI Set-Aside unit above the minimum ELI Set-Aside threshold requirement in the Universal Application instructions; and (ii) non-amortizing at 0 percent simple interest per annum over the life of the loan, with the principal forgivable provided the units for which the supplemental loan amount is awarded are targeted to ELI Households for at least 15 years.

2. Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Development other than a superior mortgage shall be subject to the Corporation's prior written approval. The Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant such request.

3. The supplemental loan shall be serviced either directly by the Corporation or by the servicer on behalf of the Corporation.

4. The Corporation shall monitor compliance of all terms and conditions of the supplemental loan and shall require that certain terms and conditions be embodied in the Land Use Restriction Agreement and recorded in the public records of the county wherein the Development is located. Violation of any material term or condition of the documents evidencing or securing the supplemental loan shall constitute a default during the term of the supplemental loan. The Corporation shall take appropriate legal action to effect compliance if a violation of any material term or condition relative to the set-aside of units for ELI Households is discovered during the course of compliance monitoring or by any other means.

5. The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective August 10, 2006, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links.

6. All supplemental loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, which is adopted and incorporated herein by reference, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which is adopted and incorporated herein by reference. These provisions are available on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links. The Corporation shall allow units dedicated to occupancy by the Elderly in a Development designed for occupancy by elderly households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR Part 100.

7. Rent controls for the ELI Set-Aside units for which the supplemental loan is issued shall be restricted at the level applicable for federal Housing Credits.

8. The documents creating, evidencing or securing each supplemental loan must provide that any violation of the terms and conditions described in Rule Chapter 67-48, F.A.C., constitutes a default under the supplemental loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(b) The supplemental loan shall be assumable upon sale or transfer of the Development if the following conditions are met:

1. The proposed transferee meets all specific Applicant identity criteria which were required as conditions of the original loan;

2. The proposed transferee agrees to maintain all ELI Set-Asides and other requirements of the supplemental loan for the period originally specified or longer; and

3. The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter and approval by the Board of Directors of the Corporation.

All assumption requests must be submitted in writing to the Director of Special Assets and contain the specific details of the transfer and assumption. In addition to any related professional fees, the Corporation shall charge a non-refundable assumption fee as outlined in the Universal Application instructions.

(c) Supplemental loan construction disbursements and permanent loan servicing shall be based on the following:

1. Supplemental loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the supplemental loan to the Total Development Cost, unless approved by the Credit Underwriter.

2. Ten (10) business days prior to each Draw, the Applicant shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Applicant for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

3. The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

4. The Corporation shall disburse construction Draws through Automated Clearing House (ACH). The Applicant may request disbursement of construction Draws via a wire transfer. The Applicant will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

5. The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Applicant in connection with the request for a Draw, if

a. The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

b. The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

6. The servicer may request submission of revised construction budgets.

7. Based on the Applicant's progress of construction, if the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

8. Retainage in the amount of 10 percent per Draw shall be held by the servicer during construction until the Development is 50 percent complete. At 50 percent completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the supplemental loan agreement.

(8) For purposes of this rule chapter, rent controls for ELI Households shall consist of the Gross Rent Floor, as defined in Section 42(g)(2)(A) of the IRC and in accordance with IRS Revenue Procedure 94-57, minus the lesser of (i) the utility allowance in effect by the applicable local Public Housing Authority (PHA) at the date the last building in the Development is placed-in-service or (ii) the current utility allowance applicable to the building (as outlined in 26 CFR 1.42-10, this may include either the local utility company estimate or the applicable PHA utility allowance). Notwithstanding the preceding sentence, the rent charged to any ELI Household may not exceed the maximum rent level permitted under Section 42(g)(2)(A) IRC for the applicable unit occupied by such household. IRS Revenue Procedure 94-57 and 26 CFR 1.42-10 are incorporated by reference and are available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and Links.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.5099 FS. History—New 2-7-05, Amended 1-29-06, 4-1-07,_____.

PART II STATE APARTMENT INCENTIVE LOAN PROGRAM

67-48.009 SAIL General Program Procedures and Restrictions.

(1) Loans shall be in an amount not to exceed 25 percent of the Total Development Cost except as described in subsections (2) and (3) below, or the minimum amount required to make the Development economically feasible, whichever is less, as determined by the Credit Underwriter.

(2) The following types of Sponsors are eligible to apply for loans in excess of 25 percent of Total Development Cost pursuant to Section 420.507(22), F.S.:

(a) Non-Profit and public Sponsors which are able to secure grants, donations of land, or contributions from other sources collectively totaling at least 10 percent of Total Development Cost; and

(b) Sponsors that set aside at least 80 percent of their total units for residents qualifying as Farmworkers as defined in Section 420.503(18), F.S., Commercial Fishing Workers as defined in Section 420.503(5), F.S., or the Homeless as defined in Section 420.621(4), F.S., over the life of the loan.

(3) The following types of Sponsors are eligible to apply for loans that do not exceed 35 percent of Total Development Cost:

(a) Applicants requesting both SAIL and Competitive HC that commit to set aside more than 10 percent of the total units for ELI Households; and

(b) Applicants requesting SAIL without Competitive HC that commit to set aside at least 5 percent of the total units for ELI Households.

(4) At a minimum, the percentage of set-aside units committed to in the Application must be held for Very Low-Income persons or households for a period of time equal to the greater of the following:

(a) The term of the SAIL loan; or

(b) 12 years; or

(c) Such longer term agreed to by the Applicant in the Application.

(5) Unless the Board approves a competitive allocation process outside the Universal Cycle, an Applicant is not eligible to apply for SAIL Program funding if any of the following pertain to the proposed Development:

(a) Construction or construction-permanent financing of the costs associated with construction or Substantial Rehabilitation of the Development, including tax-exempt bonds or conventional financing with conversion clauses, has closed as of January 1, 2006 2005;

(b) The Applicant has received an allocation of Housing Credits or a Competitive Housing Credit commitment for the proposed Development, unless (i) the Applicant is also applying for Corporation-issued tax exempt bonds in the current Application cycle or provides evidence of a Local Government-issued tax exempt bond commitment as stated in the Universal Application Instructions, or (ii) the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning its HC funding from the prior cycle; ~~or (iii) the Application was successful in receiving SAIL funding for the proposed Development for the first time in the 2006 Universal Application cycle, in which case it may receive additional SAIL funding for the same Development as provided in the End of the Line SAIL section of the Universal Application Instructions;~~

(c) The Applicant has already accepted a preliminary commitment of funding for the proposed Development through the SAIL Program, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning its prior SAIL funding, ~~with one exception. That~~

~~exception being that a proposed Development that was successful in receiving SAIL funding for the first time in the 2006 Universal Application cycle may receive additional SAIL funding for the same Development as provided in the End-of-the-Line SAIL section of the Universal Application Instructions.~~

(d) The Applicant has already accepted a preliminary commitment of funding for the proposed Development through the 2005 or 2006 RRLP Program, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning its RRLP funding from such prior cycle.

(e) The proposed Development site or any part thereof is subject to any Land Use Restriction Agreement or Extended Use Agreement, or both, in conjunction with any Corporation affordable housing financing, ~~excluding Predevelopment Loan Program funds~~, intended to foster the development or maintenance of affordable housing, with two exceptions. Those exceptions being (i) a LURA recorded in conjunction with the Predevelopment Loan Program, and (ii) a LURA recorded in conjunction with a Multifamily Mortgage Revenue Bond Program loan closed after January 1, 2006.

(6) The SAIL Minimum Set-Aside Requirement is:

(a) 20 percent of the SAIL Development's units set-aside for residents with annual household incomes at or below 50 percent of the area, metropolitan statistical area ("MSA") or state or county median income, whichever is higher, adjusted for family size, or

(b) 40 percent of the SAIL Development's units set-aside for residents with annual household incomes at or below 60 percent of the area, MSA or state or county median income, whichever is higher, adjusted for family size. Sponsors of SAIL-funded Developments shall have the option of selecting this minimum set-aside only if the SAIL Development is scheduled to be assisted with Housing Credits, in addition to the SAIL loan, or

(c) 100 percent of the SAIL Development's units set aside for residents with annual household incomes below 120 percent of the state or local median income, whichever is higher, adjusted for family size. Sponsors of SAIL-funded Developments shall have the option of selecting this minimum set-aside only if the SAIL Development is located in the Florida Keys Area. This paragraph is derived from 420.5087(2)(d), F.S., and is scheduled to expire July 1, 2008.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.009, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, _____.

67-48.0095 Additional SAIL Application Ranking and Selection Procedures.

(1) During the first six (6) months following the publication date of the first Notice of Funding Availability published each year within the state of Florida, SAIL funds shall be allocated in accordance with the ranking and selection process set forth in the Universal Application Package and based upon the requirements specified in Section 420.5087(3), F.S., which specifies the required funding within the four demographic categories of:

- (a) Family;
- (b) Elderly;
- (c) Homeless; and
- (d) Commercial Fishing Workers and Farmworkers.

(2) 10 percent of the funds reserved for Applicants in the Elderly category shall be reserved to provide loans to Sponsors of housing for the Elderly for the purpose of making life-safety or security-related repairs or improvements to such housing which are required by federal, state or local regulation, as further specified in Section 420.5087, F.S.

(3) Program funds designated for Commercial Fishing Workers and Farmworkers will be allocated through a request for proposal (RFP), the Universal Application Package, or both.

(4) The Corporation shall assign, in order of ranking, tentative loan amounts to the Applications in each demographic and geographic category, up to the total amount available. However, the Corporation shall make adjustments to ensure that minimum funding distribution levels by geographic category are met, as required by Section 420.5087(1), F.S., and further described in the SAIL Notice of Funding Availability.

(5) In the event that the 10 percent of program funds required to be allocated to counties with a population of 100,000 or less remains unallocated at the conclusion of a successive three-year cycle, the unallocated funds shall be equitably distributed pursuant to the instructions included in the Universal Application Package.

(6) Selection for SAIL Program participation is contingent upon fund availability at the conclusion of the appeals process as set forth in Rule 67-48.005, F.A.C.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 12-23-96, Amended 1-6-98, Formerly 91-48.0095, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, Repromulgated _____.

67-48.010 Terms and Conditions of SAIL Loans.

(1) The proceeds of all SAIL loans shall be used for new construction or Substantial Rehabilitation of affordable, safe and sanitary multifamily rental housing units.

(2) The SAIL loan may be in a first, second, or other subordinated lien position. For purposes of this rule, mortgages securing a letter of credit as credit enhancement for the bonds financing the first mortgage shall be considered a contingent

liability and part of the first mortgage lien, provided that the Applicant's counsel furnishes an opinion regarding the contingent nature of such mortgage satisfactory to the Corporation and its counsel.

(3) The loans shall be non-amortizing and shall have interest rates as follows:

(a) 0 percent simple interest per annum on loans to Developments that set aside at least 80 percent of their total units for residents qualifying as Farmworkers, Commercial Fishing Workers or Homeless, over the life of the loan;

(b) 0 percent simple interest per annum on loans based on the pro rata share of units set aside for Homeless residents if the total of such units is less than 80 percent of the units and 1 percent simple interest per annum on the remaining units;

(c) 1 percent simple interest per annum on loans to Developments other than those identified in paragraphs (a) and (b) above;

(4) Except as provided in Section 420.5087(5), F.S., the amount of any superior mortgages combined with the SAIL mortgage shall be less than the appraised value of the Development. Any debt service reserve requirement associated with a superior mortgage shall be excluded from the amount of the superior mortgage for purposes of this calculation.

(5) Payment on the loans shall be based upon the Development Cash Flow, as determined pursuant to the SAIL Cash Flow Reporting Form SR-1. Any distribution or payment to the Principal(s) or any Affiliate of the Principal or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining debt service coverage in the Board approved final credit underwriting report, will be added back to the amount of cash available for the SAIL loan interest payment, as calculated in the SAIL Cash Flow Reporting Form SR-1, for the purpose of determining interest due. Interest may be deferred as set forth in subsection 67-48.010(8), F.A.C., without constituting a default on the loan.

(6) The loans described in subsection 67-48.010(3), F.A.C., above shall be repaid from all Development Cash Flow, and if the SAIL loan is not a first mortgage loan, each year, subject to the provisions of subsection (8) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) All superior mortgage fees and debt service;

(b) Development Expenses on the SAIL loan, including up to 20 percent of total Developer fees per year;

(c) Interest payment on SAIL loan balance equal to 1 percent as stated in paragraphs (3)(b) and (c) above over the life of the SAIL loan;

(d) Interest payments on the SAIL loan deferred from previous years;

(e) Mandatory payment on subordinate mortgages.

After the full SAIL loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(7) If the SAIL loan is secured by a first mortgage lien, each year, subject to the provisions of subsection (8) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) First mortgage fees and interest payment on the SAIL loan balance equal to the percentages stated in paragraph (3) above over the life of the SAIL loan;

(b) Development Expenses on the SAIL loan including up to 20 percent of total Developer fees per year;

(c) Interest payments on the SAIL loan deferred from previous years;

(d) Mandatory payment on subordinate mortgages.

After the full SAIL loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(8) The determination of Development Cash Flow, determination of payment priorities, and payment of interest on SAIL loans shall occur annually. Any payments of accrued and unpaid interest due annually on SAIL loans shall be deferred to the extent that Development Cash Flow is insufficient to make said payments pursuant to the payment priority schedule established in this rule chapter. If Development Cash Flow is under-reported and such report causes a deferral of SAIL interest, such under-reporting shall constitute an event of default on the SAIL loan. A penalty of 5 percent of any required payment shall be assessed.

(a) By May 31 of each year of the SAIL loan term, the Applicant shall provide the Corporation with audited financial statements and a certification detailing the information needed to determine the annual payment to be made. However, this certification requirement will be waived until May 31 following the calendar year within which the first unit is occupied. The certification shall require submission of audited financial statements and the SAIL annual reporting form, Cash Flow Reporting Form SR-1, Rev. 9/05, which is incorporated by reference. Form SR-1 can be obtained from the Credit Underwriter acting as the assigned servicer or on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links. The audited financial statements are to be prepared in accordance with generally accepted accounting principles for the 12 months ended December 31 and shall include:

1. Comparative Balance Sheet with prior year and current year balances;

2. Statement of revenue and expenses;

3. Statement of changes in fund balances or equity;

4. Statement of cash flows; and

5. Notes.

The financial statements referenced above should also be accompanied by a certification of the Applicant as to the accuracy of such financial statements. A late fee of \$500 will be assessed by the Corporation for failure to submit the required audited financial statements and certification by May 31 of each year of the SAIL loan term. If the Applicant has not submitted the required audited financial statements, the Corporation servicer shall deem the Development Cash Flow sufficient and issue a billing for interest due on the SAIL loan for the immediately preceding calendar year by July 31. After receipt of the audited financial statements, the Corporation servicer shall issue revised billing, if necessary. Failure to submit the required audited financial statements and certification by May 31 of each year of the SAIL loan term shall constitute an event of default on the SAIL loan. The Applicant shall furnish to the Corporation or its servicer, unaudited statements, certified by the Applicant's principal financial or accounting officer, covering such financial matters as the Corporation or its servicer may reasonably request, including without limitation, monthly statements with respect to the Development.

For SAIL loans applied for prior to February 22, 2001, the Corporation will extend the annual filing deadline for submission of the audited financial statements and certification detailing the information needed to determine the annual payment to be made, pursuant to subsection 67-48.010(8), F.A.C., to May 31 of each year of the SAIL loan term. The Corporation servicer shall issue a billing for interest due on the SAIL loan for the immediately preceding calendar year by July 31 of each calendar year of the SAIL loan. In addition, for SAIL loans applied for prior to December 23, 1996, so long as the executed loan agreements contain a provision to assess a late fee for failure to provide the audited financial statement and certification detailing the information needed to determine the annual payment due, such fee will be assessed by the Corporation as outlined above.

(b) The Corporation servicer shall issue a billing for interest due on the SAIL loan for the immediately preceding calendar year by July 31 of each calendar year of the SAIL loan.

(c) The Applicant shall remit the interest due to the Corporation servicer no later than August 31 of each year of the SAIL loan term. The first payment of SAIL interest will be due no later than August 31 following the calendar year within which the first unit is occupied. The first payment of interest shall include all interest for the period which begins accruing on the date of the first Draw and ends on December 31 of the calendar year during which the first unit is occupied.

(9) After maturity or acceleration, the Note shall bear interest at the Default Interest Rate from the due date until paid. Unless the Corporation has accelerated the SAIL loan,

the Applicant shall pay the Corporation a late charge of 5 percent of any required payment that is not received by the Corporation within 15 days of the due date.

(10) The final billing for the purpose of payoff of the SAIL loan shall also include a billing for compliance fees to cover monitoring of SAIL Program requirements beyond the maturity date of the Note. Such fees shall be computed by determining the present value of the annual compliance monitoring fee and multiplying that by the number of years for which the Development will have a set-aside for Very Low-Income persons or households beyond the repayment date. The present value discount rate shall be 2.75 percent per annum. Such amount shall be reduced by the amount of any compliance monitoring fees for other programs collected by the Corporation for the Development provided:

(a) The compliance monitoring fee covers some or all of the period following the anticipated SAIL loan repayment date; and

(b) The Development has substantially equivalent set-asides for Very Low-Income persons or households mandated through another Corporation program for which the compliance monitoring fee was collected.

(11) The SAIL loans shall be serviced either directly by the Corporation or by the servicer on behalf of the Corporation.

(12) The Corporation shall monitor compliance of all terms and conditions of the SAIL loan and shall require that certain terms and conditions be embodied in the Land Use Restriction Agreement and recorded in the public records of the county wherein the Development is located. Violation of any material term or condition of the documents evidencing or securing the SAIL loan shall constitute a default during the term of the SAIL loan. The Corporation shall take appropriate legal action to effect compliance if a violation of any material term or condition relative to the set-asides of units for Very Low-Income persons or households is discovered during the course of compliance monitoring or by any other means.

(13) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective August 10, 2006, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and Links.

(14) The SAIL loan term shall be for a period of not more than 15 years. However, if both a SAIL loan and federal Housing Credits are to be used to assist a Development, the Corporation may set the SAIL loan term for a period commensurate with the investment requirements associated with the Housing Credit syndication. The term of the loan may also exceed 15 years if the lien of the Corporation's

encumbrance is subordinate to the lien of another mortgagee, in which case the term may be made coterminous with the longest term of the superior loan.

(15) After accepting a preliminary commitment, the Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the SAIL mortgage without prior approval of the Corporation's Board of Directors. However, an Applicant may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation must be notified in writing of any such change.

Following construction completion, the Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in subsection 67-48.0105(5), F.A.C., are met, the original combined loan to value ratio for the superior mortgage and the SAIL mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding SAIL loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the SAIL loan balance, the following calculation shall be used: divide the amount of the original SAIL mortgage by the combined amount of the original SAIL mortgage and the original superior mortgage; then multiply the quotient by the amount of the increase in the superior mortgage from the current balance after deducting refinancing costs. For example, if the amount of the original SAIL mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, with a current balance of \$3,000,000, a proposed new superior mortgage of \$5,000,000, and refinancing costs of \$200,000, then the amount of the increase in the superior mortgage after deducting refinancing costs would be \$1,800,000, and the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the SAIL loan balance would be \$594,000. This \$594,000 would be applied first to accrued interest and then to principal.

(16) All SAIL loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, which is adopted and incorporated herein by reference, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which is adopted and incorporated herein by reference. These provisions are available on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links. The Corporation shall allow units dedicated to occupancy by the Elderly in a Development designed for occupancy by elderly households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR Part 100.

(17) Rent controls shall not be allowed on any Development except (i) as required in conjunction with the issuance of tax-exempt bonds or federal Housing Credits and

(ii) when the Sponsor has committed to set aside units for ELI Persons, in which case rents for such units shall be restricted at the level applicable for federal Housing Credits.

(18) The documents creating, evidencing or securing each SAIL loan must provide that any violation of the terms and conditions described in Rule Chapter 67-48, F.A.C., constitutes a default under the SAIL loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(19) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the SAIL loan.

(20) If, after a four-month rent-up period commencing after issuance of the last certificate of occupancy on the units, an Applicant is unable to meet the agreed-upon demographic commitment for Elderly, Homeless, Farmworker or Commercial Fishing Worker, the Applicant may request to rent such units to Very Low-Income persons or households without demographic restriction.

(a) The written request must provide documentation of marketing efforts implemented over the past four-month period which demonstrate the inclusion of sources of potential residents, advertising to be used, other means of encouraging residents to rent at the Development, and priority to the original targeted group of residents. If the Corporation determines that prior marketing efforts were insufficient, a revised plan which is satisfactory to the Corporation must be submitted and implemented for a four-month period prior to reconsideration.

(b) The Board will require Applicants to provide additional amenities or resident programs suitable for the proposed resident population.

(c) The Board will require Applicants with 0 percent loans, as described in paragraphs 67-48.010(3)(a) and (b), F.A.C., to modify loan documents to conform to the terms and conditions of 1 percent loans, as described in paragraphs 67-48.010(3)(b) and (c), F.A.C., or to accelerate payments of SAIL loan principal or interest.

(21) The Applicant shall provide to the Corporation an annual budget of income and expenses for the Development, certified as accurate by an officer of the Development, no later than 30 days prior to the beginning of the Development's fiscal year.

(22) Failure to provide the Corporation and its servicer with the SAIL available Cash Flow Statement detailing the information needed to determine the annual payment to be made pursuant to this rule chapter shall constitute a default on the SAIL loan.

(23) For SAIL loans applied for prior to March 17, 2002, at the borrower's request, the Corporation will include up to 20 percent of total Developer fees per year as a Development Expense when calculating the interest due on the SAIL loan for the 2003 calendar year for the billing issued in 2004 pursuant

to paragraph 67-48.010(8)(b), F.A.C., and for the billing for interest due each calendar year thereafter. Development Expense will not include Developer fees for determination of payment of interest on SAIL loans applied for prior to March 17, 2002 for the 2002 calendar year or any previous calendar year. For purposes in this paragraph, Development Expense has the same meaning as Project Expense and Eligible Project Expense as those terms are used in SAIL loans applied for prior to March 17, 2002.

(24) The Compliance Period for a SAIL Development shall be, at a minimum, a period of 12 years from the date the first residential unit is occupied. For SAIL Developments that which contain occupied units at the time of closing to be Substantially Rehabilitated, the Compliance Period shall begin not later than ~~60 days from~~ the termination of the last ~~annual~~ lease executed prior to in effect at the time of closing of the SAIL loan.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.010, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, _____.

67-48.0105 Sale, Transfer or Refinancing of a SAIL Development.

(1) Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Development other than a superior mortgage shall be subject to the Corporation's prior written approval. The Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant such request.

(2) The SAIL loan shall be assumable upon sale or transfer of the Development if the following conditions are met:

(a) The proposed transferee meets all specific Applicant identity criteria which were required as conditions of the original loan;

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the SAIL loan for the period originally specified or longer; and

(c) The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter and approval by the Board of Directors of the Corporation.

All assumption requests must be submitted in writing to the Director of Special Assets and contain the specific details of the transfer and assumption. In addition to any related professional fees, the Corporation shall charge a non-refundable assumption fee as outlined in the Universal Application instructions.

(3) If the SAIL loan is not assumed since the buyer does not meet the criteria for assumption of the SAIL loan, the SAIL loan (principal and any outstanding interest) shall be repaid from the proceeds of the sale in the following order of priority:

- (a) First mortgage debt service, first mortgage fees;
- (b) SAIL compliance and loan servicing fees;
- (c) An amount equal to the present value of the compliance monitoring fee, as computed by the Corporation and its servicer, times the number of payment periods for which the Development will have a set-aside for Very Low-Income persons or households beyond the repayment date. The present value discount rate shall be 2.75 percent per annum. Such amount shall be reduced by the amount of any compliance monitoring fees collected by the Corporation for the Development, provided:

1. The compliance monitoring fee covers some or all of the period following the anticipated SAIL repayment date; and

2. The Development has substantially equivalent set-asides for Very Low-Income persons or households mandated through another program of the Corporation for which the compliance monitoring fee was collected.

(d) Unpaid principal balance of the SAIL loan;

(e) Any interest due on the SAIL loan;

(f) Expenses of the sale;

(g) If there will be insufficient funds available from the proposed sale of the Development to satisfy paragraphs (3)(a)-(f) above, the SAIL loan shall not be satisfied until the Corporation has received:

1. An appraisal prepared by an appraiser selected by the Corporation or the Credit Underwriter indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

2. A certification from the Applicant that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the Development Cash Flow reported to the Corporation during the term of the SAIL loan was true and accurate;

3. A certification from the Applicant that there are no Development funds available to repay the SAIL loan, including any interest due, and the Applicant knows of no source from which funds could or would be forthcoming to pay the SAIL loan; and

4. A certification from the Applicant detailing the information needed to determine the final billing for SAIL loan interest. Such certification shall require submission of financial statements and other documents that may be required by the Corporation and its servicer.

(4) The Corporation may renegotiate and extend the loan in order to extend or retain the availability of housing for the target population. Such renegotiations shall be based upon:

(a) Performance of the Applicant during the SAIL loan term;

(b) Availability of similar housing stock for the target population in the area;

(c) Documentation and certification by the Applicant that funds are not available to repay the Note upon maturity;

(d) A plan for the repayment of the loan at the new maturity date;

(e) Assurance that the security interest of the Corporation will not be jeopardized by the new term(s); and

(f) Industry standard terms which may include amortizing loans requiring regularly scheduled payments of principal and interest.

All loan renegotiation requests, including requests for extension, must be submitted in writing to the Director of Special Assets and contain the specific details of the renegotiation. In addition to any related professional fees, the Corporation shall charge a non-refundable renegotiation fee as outlined in the Universal Application instructions.

(5) The Board shall approve requests for mortgage loan refinancing only if Development Cash Flow is improved, the Development's economic viability is maintained, the security interest of the Corporation is not adversely affected, and the Credit Underwriter provides a positive recommendation.

(6) The Board shall deny requests for mortgage loan refinancing which require extension of the SAIL loan term or otherwise adversely affect the security interest of the Corporation, unless the criteria outlined in subsection 67-48.0105(5), F.A.C., are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development, or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

The Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in subsection 67-48.010(15), F.A.C., are met, the original combined loan to value ratio for the superior mortgage and the SAIL mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding SAIL loan balance.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 12-23-96, Amended 1-6-98, Formerly 9I-48.0105, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, 3-17-02, Repromulgated 4-6-03, Amended 3-21-04, Repromulgated 2-7-05, Amended 1-29-06, 4-1-07, Repromulgated.

67-48.013 SAIL Construction Disbursements and Permanent Loan Servicing.

(1) SAIL loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the SAIL loan to the Total Development Cost, unless approved by the Credit Underwriter.

(2) Ten (10) business days prior to each Draw, the Applicant shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the

Applicant for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation shall disburse construction Draws through Automated Clearing House (ACH). The Applicant may request disbursement of construction Draws via a wire transfer. The Applicant will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Applicant in connection with the request for a Draw, if

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

(6) The servicer may request submission of revised construction budgets.

(7) Based on the Applicant's progress of construction, if the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10 percent per Draw shall be held by the servicer during construction until the Development is 50 percent complete. At 50 percent completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the SAIL loan agreement.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.013, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, 2-7-05, 1-29-06, Amended 4-1-07, Repromulgated.

PART III HOME INVESTMENT PARTNERSHIPS PROGRAM

67-48.014 HOME General Program Procedures and Restrictions.

(1) Unless otherwise provided in the Application instructions, the Corporation shall utilize up to 10 percent of the HOME allocation for administrative costs pursuant to 24 CFR Part 92.

(2) The Corporation shall utilize at least 15 percent of the HOME allocation for CHDOs pursuant to 24 CFR Part 92. In order to apply under the CHDO set-aside, the CHDO must have at least 51 percent ownership interest in the Development held by the General Partner entity and meet all other CHDO requirements as defined by HUD in 24 CFR Part 92 and other Corporation requirements identified in the CHDO Checklist. The CHDO Checklist is adopted and incorporated herein by reference, effective 10-17-06, and is available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and Links or by contacting the HOME-Rental Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(3) Within the rental cycle administered pursuant to Rule Chapter 67-48, F.A.C., the Corporation will distribute funds as provided in the Universal Application instructions, through a competitive request for proposal (RFP) process, or both.

(4) The maximum per-unit subsidy amount of HOME funds that the Corporation shall invest on a per-unit basis in affordable housing shall not exceed the per-unit dollar limits established by the Corporation as identified in the current Application instructions and included on the HOME Rental FHFC Subsidy Limits chart, which is adopted and incorporated by reference, effective 10-1-2007 10-16-06. A copy of such chart is available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and Links or by contacting the HOME-Rental Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(5) The minimum amount of HOME funds that must be invested in a Rental Development is \$1,000 times the number of HOME-Assisted Units in the Development.

(6) A Development qualifies as affordable housing and for HOME funds if, with respect to income and occupancy:

(a) 80 percent of the HOME-Assisted Units are occupied by families whose annual income does not exceed 60 percent of the median family income for the area, as determined by HUD, with adjustments for family size, and

(b) 20 percent of the HOME-Assisted Units are occupied by families whose annual income does not exceed 50 percent of the median family income for the area, as determined by HUD, with adjustments for family size.

(c) When the income of a resident increases above 80 percent of area median income, the next unit that becomes available in the Development must be rented to a HOME

income-eligible resident. If the income of a Very Low-Income household increases above the limits for a Very Low-Income household, then the Developer must rent the next available unit to a Very Low-Income household. The amount of rent the resident whose income has increased must pay is the lesser of the amount payable by resident under state or local law or 30 percent of the adjusted monthly income for rent and utilities.

(d) High HOME rent means 80 percent of the HOME-Assisted Units in a Development must have rents set at no more than the lesser of the Section 8 Fair Market Rent (FMRs) or rents that are 30 percent for a Family at 65 percent of median income limit, minus resident-paid utilities. Low HOME rent means 20 percent of the HOME-Assisted Units in a Development must have rents set at no more than the lesser of the Section 8 Fair Market Rent (FMRs), or 30 percent of the gross income of a Family at 50 percent of the area median income, minus resident-paid utilities. With respect to rent limits, the HOME Rent Chart at 65 percent or 50 percent, or the Fair Market Rent, less the applicable utility allowance, is the maximum rent that can be charged for a HOME Rent-Restricted Unit. HOME-Assisted Units with Section 8 subsidy must compare the Section 8 gross rent (resident rent, subsidy amount, and utility allowance) to the maximum applicable HOME high or low rent limit minus utilities. However, Developments with project-based rental assistance may utilize the project-based rents as compared to the HOME High and Low rents. Compliance with the HOME rent restrictions will take precedence over the Developer's acceptance of a full Section 8 (resident-based) subsidy for the HOME-Assisted Units.

(e) The minimum Compliance Period for Rehabilitation Developments is 15 years from the date the first residential unit is occupied. For Developments that contain occupied units at the time of closing, the Compliance Period shall begin the earlier of (i) not later than 60 days from the termination of the last annual lease executed prior to in effect at the time of closing of the HOME loan or (ii) at project completion as defined in 24 CRF § 92.2. The Compliance Period will be extended until the loan is repaid as enumerated in subsection 67-48.020(1), F.A.C.

(f) The minimum Compliance Period for newly-constructed rental housing is 20 years from the date the first residential unit is occupied. The Compliance Period will be extended until the loan is repaid as enumerated in subsection 67-48.020(1), F.A.C.

(g) The minimum percentage of HOME-Assisted Units within a Development must be at least equal to the percentage (ratio) calculated by dividing the HOME loan amount by the Total Development Cost. This percentage will be utilized to determine the minimum number of HOME-Assisted Units required within a Development. HOME-Assisted Units must be identified at the time of Application. For purposes of meeting affordable housing requirements for a Development,

the HOME-Assisted Units counted may be changed over the Compliance Period, so long as the total number of HOME-Assisted Units remains the same, and the substituted units are, at a minimum, comparable in terms of size, features, and number of bedrooms to the original HOME-Assisted Units.

(h) The Development will remain affordable, pursuant to commitments documented within the executed Land Use Restriction Agreement without regard to the term of the mortgage or to transfer of ownership.

(7) The Development must comply with all applicable provisions of 24 CFR Part 92 and Rule Chapter 67-48, F.A.C.

(8) A Development that is under construction may be eligible to apply for HOME funds only if the final building permit is dated no earlier than six (6) months prior to the Application Deadline, the Development is able to provide evidence of compliance with federal labor standards (if 12 or more HOME-Assisted Units are developed under a single contract) for any work already completed, and the Development is able to provide evidence of compliance with HUD environmental requirements as well as all other federal HOME regulations as listed in Rule 67-48.014, F.A.C., and 24 CFR Part 92. The federal requirements may require completion of activities prior to submission of an Application for HOME funding.

(9) Any single contract for the development (rehabilitation or new construction) of affordable housing with 12 or more HOME-Assisted Units under the HOME Program must contain a provision requiring that not less than the wages prevailing in the locality, as predetermined by the United States Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. §§ 3142 – 3144, 3146 and 3147 (2002), which is adopted and incorporated herein by reference, 24 CFR § 92.354, 24 CFR Part 70 (volunteers), which is adopted and incorporated herein by reference, and 40 U.S.C. § 3145 (2002), which is adopted and incorporated herein by reference, will be paid to all laborers and mechanics employed for the construction or rehabilitation of the Development, and such contracts must also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. §§ 3701 – 3706 and 3708 (2002), which is adopted and incorporated herein by reference, the Copeland Act (Anti-Kickback Act), 40 U.S.C. § 3145 (2002), and the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201 et seq.), which is adopted and incorporated herein by reference. The foregoing provisions are available on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links.

(10) All HOME Developments must conform to the following federal requirements which are available on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links:

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), which is adopted and incorporated herein by reference, Fair Housing Act (42 U.S.C. §§3601-3620), which is adopted and incorporated herein by reference, Age Discrimination Act of 1975, as amended (42 U.S.C. §6101), which is adopted and incorporated herein by reference, Executive Order 11063 (amended by Executive Order 12259), which is adopted and incorporated herein by reference, and 24 CFR § 5.105(a), which is adopted and incorporated herein by reference.

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351.

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR Part 58, which is adopted and incorporated herein by reference, and National Environmental Policy Act of 1969, which is adopted and incorporated herein by reference.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. §§ 4201-4655), which is adopted and incorporated herein by reference, 49 CFR Part 24, which is adopted and incorporated herein by reference, 24 CFR Part 42 (Subpart C), which is adopted and incorporated herein by reference, and Section 104(d) "Barney Frank Amendments," which is adopted and incorporated herein by reference.

(e) Lead-based Paint as enumerated in 24 CFR § 92.355, and 24 CFR Part 35, which is adopted and incorporated herein by reference.

(f) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR §§ 85.36 and 84.42, which are adopted and incorporated herein by reference.

(g) Debarment and Suspension as enumerated in 24 CFR Part 24, which is adopted and incorporated herein by reference.

(h) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. § 4106), which is adopted and incorporated herein by reference.

(i) Handicapped Accessibility as enumerated in Section 504 of the Rehabilitation Act of 1973 (implemented in 24 CFR Part 8) and 24 CFR § 100.205, which are adopted and incorporated herein by reference.

(j) Americans with Disabilities Act as enumerated in 42 U.S.C. § 12131; and 47 U.S.C. §§ 155, 201, 218 and 225, which are adopted and incorporated herein by reference.

(k) Equal Opportunity Employment as enumerated in Executive Order 11246 (implemented in 41 CFR Part 60), which is adopted and incorporated herein by reference.

(l) Economic Opportunity as implemented in 24 CFR Part 135, which is adopted and incorporated herein by reference.

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e) and Executive Orders 11625, 12432, and 12138, which are adopted and incorporated herein by reference.

(n) Site and Neighborhood Standards as enumerated in 24 CFR § 983.6(b), which is adopted and incorporated herein by reference.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.014, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, _____.

67-48.015 Match Contribution Requirement for HOME Allocation.

(1) The Corporation is required by HUD to match non-federal funds to the HOME allocation as specified in 24 CFR Part 92.

(2) A Match Credit Fund funded by the state of Florida has been appropriated to the Corporation. The funds are to be used for demonstration Developments, pilot programs, or other Developments selected and approved by the Corporation’s Board of Directors. Such pilot programs or Developments shall be counted as the Corporation’s required match for HUD purposes and may be any eligible activity acceptable to 24 CFR Part 92 and approved by the Corporation’s Board of Directors.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(4) FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.015, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, 3-17-02, 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-48.017 Eligible HOME Activities.

HOME funds may be used for acquisition (must include new construction and/or Rehabilitation), new construction, reconstruction, or moderate or substantial rehabilitation of non-luxury housing with suitable amenities or for tenant based rental assistance pursuant to 24 CFR Part 92.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 9I-48.017, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, 3-17-02, Amended 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-48.018 Eligible HOME Applicants.

(1) Unless the Board approves a competitive allocation process outside the Universal Cycle, an Applicant is not eligible to apply for HOME Program funding if any of the following pertain to the proposed Development:

(a) The Applicant has received an allocation of Housing Credits or a Competitive Housing Credit commitment for the proposed Development, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning the HC funding from a prior cycle;

(b) The Applicant has already accepted a preliminary commitment of funding for the proposed Development through the HOME Program, the SAIL Program, or the RRLP

Program, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning its prior HOME Program, SAIL Program, or RRLP Program funding.

(c) The proposed Development site or any part thereof is subject to any Land Use Restriction Agreement or Extended Use Agreement, or both, in conjunction with any Corporation affordable housing financing, excluding Predevelopment Loan Program funds, intended to foster the development or maintenance of affordable housing.

(2) Applicants for HOME loans may include CHDOs, public housing authorities, local governments, Non-Profit organizations, and private for-profit organizations. The Applicant must be a legally-formed, existing entity at the time of Application Deadline. Pursuant to 24 CFR Part 92, Applicants may not request additional HOME funding during the period of affordability.

(3) For tenant based rental assistance, eligible public housing authorities shall be limited to those public housing authorities that provide a copy of their most recent Section Eight Management Assessment Program (SEMAP) and can demonstrate compliance with 24 CFR § 982.401, which is incorporated by reference and available on the Corporation’s Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links.

(a) Eligible public housing authorities shall use the HOME Investment Partnership Program, state of Florida, TBRA Agreement (Rev. 09/06), which is incorporated herein by reference and available on the Corporation’s Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links.

(b) An eligible public housing authority’s request for funding shall be based upon demonstration of recipient need.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.018, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, Amended 3-17-02, 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, 1-29-06, 4-1-07, _____.

67-48.019 Eligible and Ineligible HOME Development Costs.

(1) HOME funds may be used to pay for the following eligible costs as enumerated in 24 CFR Part 92:

(a) Development hard costs as they directly relate to the identified HOME Assisted Units only for:

1. New construction, the costs necessary to meet local and state of Florida building codes and the Model Energy Code referred to in 24 CFR Part 92;

2. Rehabilitation, the costs necessary to meet local and state of Florida rehabilitation building codes and at a minimum, the Section 8 Housing Quality Standards under 24 CFR Part 92;

3. Both new construction and rehabilitation, costs to demolish existing structures, improvements to the Development site and utility connections;

(b) The cost of acquiring improved or unimproved real property. A HOME Development and HOME loan that involves acquisition must include Rehabilitation or new construction in order to be an eligible Development.

(c) Soft costs as they relate to the identified HOME-Assisted Units. The costs must be reasonable, as determined by the Corporation and the Credit Underwriter, and associated with the financing, development, or both. These costs may include:

1. Architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups;

2. Costs to process and settle the HOME financing for a Development, such as credit reports, fees for evidence of title, recordation, building permits, attorney fees, cost certifications, and estimates;

3. Developer's and General Contractor's fees as described in Rule 67-48.0072, F.A.C.;

4. Impact fees;

5. Costs of Development audits required by the Corporation;

6. Affirmative marketing and fair housing costs;

7. Temporary relocation costs as required under 24 CFR Part 92;

(2) HOME funds shall not be used to pay for the following ineligible costs:

(a) Development reserve accounts for replacements, unanticipated increases in operating costs, or operating subsidies, except as described in 24 CFR § 92.206(d)(5);

(b) Public housing;

(c) Administrative costs;

(d) Developer fees unless the HOME funds include Rehabilitation or new construction; or

(e) Any other expenses not allowed under 24 CFR Part 92.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.019, Amended 11-9-98, 2-24-00, Repromulgated 2-22-01, Amended 3-17-02, 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-48.020 Terms and Conditions of Loans for HOME Rental Developments.

All HOME Rental Development loans shall be in compliance with the Act, 24 CFR Part 92 and, at a minimum, contain the following terms and conditions:

(1) The HOME loan may be in a first, second, or subordinated lien position. The term of the loan shall be for a minimum period of 15 years for Rehabilitation Developments and 20 years for new construction Developments. The term of

the HOME loan may be extended to coterminate with the first mortgage term upon the recommendation of the Credit Underwriter and approval by the Corporation.

(2) The annual interest rate will be determined by the following:

(a) All for-profit Applicants that own 100 percent of the ownership interest in the Development held by the general partner entity will receive a 1.5 percent per annum interest rate loan.

(b) All qualified non-profit Applicants that own 100 percent of the ownership interest in the Development held by the general partner entity will receive a 0 percent interest rate loan. For purposes of determining the annual HOME interest rate, the definition of Non-Profit found at Rules 67-48.002 and 67-48.0075, F.A.C., shall not apply; instead, qualified non-profit Applicants shall be those entities defined in 24 CFR Part 92, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under Chapter 617, F.S., if a Florida corporation, or organized under similar state law if organized in a jurisdiction other than Florida.

(c) All Applicants consisting of a non-profit and for-profit partnership will receive a 0 percent interest rate loan on the portion of the loan amount equal to the qualified non-profit's ownership interest in the Development held by the general partner entity. A 1.5 percent interest rate shall be charged for loans on the portion of the loan amount equal to the for-profit's interest in the Development held by the general partner entity. After closing, should the Applicant sell any portion of the Development ownership, the loan interest rate ratio will be adjusted to conform to the new percentage of ownership.

(3) The loans shall be non-amortizing and repayment of principal shall be deferred until maturity, unless otherwise recommended by the Credit Underwriter and approved by the Corporation. Interest payments on the loan shall be paid to the Corporation's servicer annually on the date specified in the Note.

(4) As approved by the Board of Directors, loans which finance demonstration Developments or Developments located in a state or federally declared disaster area may be provided with forgivable terms.

(5) The accumulation of all Development financing, including the HOME loan and all existing debt within a Development, may not exceed the Total Development Cost, as determined and certified by the Credit Underwriter.

(6) Before disbursing any HOME funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of the HOME Program pursuant to this rule chapter and 24 CFR Part 92.

(7) A representative of the Applicant and the managing agent of the Development must attend a Corporation-sponsored training session on income certification and compliance procedures.

(8) If the Development has 12 or more HOME-Assisted Units to be developed under a single contract, the General Contractor and all available subcontractors shall attend a Corporation-sponsored preconstruction conference regarding federal labor standards provisions.

(9) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective August 10, 2006, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and Links.

(10) All loans must provide that any violation of the terms and conditions described in this rule chapter or 24 CFR Part 92 constitute a default under the HOME loan documents allowing the Corporation to accelerate its loan and seek foreclosure as well as any other remedies legally available to it.

(11) If a default on a HOME loan occurs, the Corporation will commence legal action to protect the interest of the Corporation. The Corporation shall acquire real and personal property or any interest in the Development if that acquisition is necessary to protect any HOME loan; sell, transfer, and convey any such property to a buyer without regard to the provisions of Chapters 253 and 270, F.S.; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Development for occupancy by Eligible Persons.

(12) The Corporation or its servicer shall monitor the compliance of each Development with all terms and conditions of the HOME loan and shall require that such terms and conditions be recorded in the public records of the county where the Development is located. Violation of any term or condition shall constitute a default during the term of the HOME loan.

(13) The Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the HOME mortgage without prior approval of the Corporation's Board of Directors. However, an Applicant may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation must be notified of any such change. Following construction completion, the Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in subsection 67-48.0205(3), F.A.C., are met, the original combined loan to value ratio for the superior mortgage and the HOME mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding HOME loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward

the reduction of the HOME loan balance, the following calculation shall be used: divide the amount of the original HOME mortgage by the combined amount of the original HOME mortgage and the original superior mortgage; then multiply the quotient by the amount of the increase in the superior mortgage from the current balance after deducting refinancing costs. For example, if the amount of the original HOME mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, with a current balance of \$3,000,000, a proposed new superior mortgage of \$5,000,000, and refinancing costs of \$200,000, then the amount of the increase in the superior mortgage after deducting refinancing costs would be \$1,800,000, and the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the HOME loan balance would be \$594,000. This \$594,000 would be applied first to accrued interest and then to principal.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(7), (8), (9) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.020, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, _____.

67-48.0205 Sale, Transfer or Refinancing of a HOME Development.

(1) The HOME loan shall be assumable upon Development sale, transfer or refinancing if the following conditions are met:

(a) The proposed transferee meets all specific Applicant identity criteria which were required as conditions of the original loan;

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the HOME loan for the period originally specified; and

(c) The proposed transferee and Application receives a favorable recommendation from the Credit Underwriter and approval by the Corporation's Board of Directors.

All assumption requests must be submitted in writing to the Director of Special Assets and contain the specific details of the transfer and assumption. In addition to any related professional fees, the Corporation shall charge a non-refundable assumption fee as outlined in the Universal Application instructions.

(2) If the Development is sold and the proposed transferee does not meet the criteria for assumption of the loan, the HOME loan shall be repaid from the proceeds of the sale. If there will be insufficient funds available from the proposed sale of the Development, the HOME loan shall not be satisfied until the Corporation has received:

(a) An appraisal prepared by an appraiser selected by the Corporation indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

(b) A certification from the Applicant that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the income reported to the Corporation during the term of the loan was true and accurate; and

(c) A certification from the Applicant that there are no Development funds available to repay the loan and the Applicant knows of no source from which funds could or would be forthcoming to pay the loan.

(3) The Board shall approve requests for mortgage loan refinancing only if Development cash flow is improved, the Development's economic viability is maintained, the security interest of the Corporation is not adversely affected, and the Credit Underwriter provides a positive recommendation.

(4) The Board shall deny requests for mortgage loan refinancing which require extension of the HOME loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in subsection 67-48.0205(3), F.A.C., are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(7), (8), (9) FS. History—New 12-23-96, Amended 1-6-98, Formerly 9I-48.0205, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, Repromulgated 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, Amended 4-1-07, Repromulgated.

67-48.022 HOME Disbursements Procedures and Loan Servicing.

(1) HOME loan proceeds shall be disbursed during the construction/rehabilitation phase in an amount per Draw on a pro-rata basis with the other financing unless otherwise approved by the Corporation or the Credit Underwriter.

(2) Ten (10) business days prior to each Draw, the Applicant shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Applicant for a Draw in a form and substance acceptable to the Corporation's servicer.

(3) The request shall set forth the amount to be paid and shall be accompanied by documentation as specified by the Corporation's servicer. Such documentation shall include invoices for labor and materials to date of the last inspection.

(4) The Corporation's servicer and the Corporation shall review the request for Draw and the Corporation's servicer shall provide the Corporation with approval of the request or an alternative recommendation of an amount to be paid after the title insurer provides an endorsement to the policy of title

insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation. For all Developments consisting of 12 or more HOME-Assisted Units to be developed under a single contract, the borrower shall submit weekly payrolls of the General Contractor and subcontractors in accordance with Federal Labor Standards as enumerated in 24 CFR § 92.354.

(5) Retainage in the amount of 10 percent per Draw shall be held by the servicer during construction until the Development is 50 percent complete. At 50 percent completion, no additional retainage shall be held from the remaining draws. Release of funds held as retainage shall occur in accordance with the HOME loan documents.

(6) The Corporation or its servicer shall elect to withhold any Draw or portion of any Draw, in addition to the retainage, notwithstanding any documentation submitted by the borrower in connection with a request for a Draw, if:

(a) The Corporation or the servicer determines at any time that the actual cost budget or progress of construction differs from that shown on the loan documents.

(b) The percentage of progress of construction of improvements differs from that shown on the request for a Draw.

(c) Developments subject to and not in compliance with Federal Labor Standards.

(7) To the extent excess HOME funds in the budget remain unused, the Corporation has the right to reduce the HOME loan by that amount.

(8) If 100 percent of the loan proceeds have not been expended within six (6) months prior to the HUD deadline pursuant to 24 CFR § 92.500, the funds shall be recaptured by the Corporation.

(9) The request for final disbursement of HOME funds, excluding retainage, shall be submitted within 60 days of completion of construction as evidenced by certificates of occupancy.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(1) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.022, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, Repromulgated 3-21-04, 2-7-05, 1-29-06, Amended 4-1-07, Repromulgated.

PART IV HOUSING CREDIT PROGRAM

67-48.023 Housing Credits General Program Procedures and Requirements.

(1) Unless the Board approves a competitive allocation process outside the Universal Cycle, an Applicant is not eligible to apply for Competitive Housing Credits if any of the following pertain to the proposed Development:

(a) The Applicant has received an allocation of Housing Credits or a Competitive Housing Credit commitment for the proposed Development, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning the HC funding from a prior cycle;

(b) The Applicant has already accepted a preliminary commitment of funding for the proposed Development through the SAIL Program, the HOME Program, or the RRLP Program, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning the prior SAIL Program, HOME Program, or RRLP Program funding.

(c) The proposed Development site or any part thereof is subject to any Land Use Restriction Agreement or Extended Use Agreement, or both, in conjunction with any Corporation affordable housing financing, excluding Predevelopment Loan Program funds, intended to foster the development or maintenance of affordable housing.

(2) Each Applicant shall comply with this rule chapter and with Section 42 of the IRC and federal regulations issued pursuant thereto and in effect at the time of the Funding Cycle. Noncompliance, outside of the compliance cure period, by an Applicant, or any Principal, Affiliate or Financial Beneficiary of an Applicant or Developer shall result in disqualification from participation in the current HC Funding Cycle and for a period of not less than one year. The Applicant and its Principals, Affiliates and Financial Beneficiaries will continue to be ineligible to participate in future HC Funding Cycles until such time as all noncompliance issues are cured.

(3) Each Housing Credit Development shall comply with the minimum Housing Credit Set-Aside provisions, as specified in Section 42(g)(1) of the IRC, with respect to the reservation of 20 percent of the units for occupancy by persons or families whose income does not exceed 50 percent of the area median income, or the reservation of 40 percent of the units for occupancy by persons or families whose income does not exceed 60 percent of the area median income. Further, each Housing Credit Development shall comply with any additional Housing Credit Set-Aside chosen by the Applicant in the Application.

(4) The Development shall provide safe, sanitary and decent residential rental housing and shall be developed, constructed and operated in accordance with the commitments made and the facilities and services described in the Application at the time of submission to the Corporation. Applications will not be considered approved to receive an allocation of Housing Credits until the Corporation issues a Preliminary Allocation/Preliminary Determination to the Applicant and all contingencies of such documents are

satisfied. Allocations are further contingent on the Applicant complying with its Application commitments, Rule Chapter 67-48, F.A.C., and Section 42 of the IRC.

(5) All of the dwelling units within a Development shall be rented or available for rent on a continuous basis to members of the general public. The owner of the Development shall not give preference to any particular class or group in renting the dwelling units in the Development, except to the extent that dwelling units are required to be rented to Eligible Persons. All Developments must comply with the Fair Housing Act as implemented by 24 CFR Part 100, Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which are adopted and incorporated herein by reference and available on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links.

(6) Each Competitive Housing Credit Development that receives a Carryover Allocation Agreement and each HC Development financed with tax-exempt bonds shall complete the Final Cost Certification Application within 75 Calendar Days after all the buildings in the Development have been placed in service. All other Developments shall complete the Final Cost Certification Application no later than the date that is 30 Calendar Days before the end of the calendar year for which the Final Housing Credit Allocation is requested. The Corporation may grant extensions for good cause upon written request.

(7) The Final Cost Certification Application (Form FCCA) shall be used by an Applicant to itemize all expenses incurred in association with construction or Rehabilitation of a Housing Credit Development, including Developer's and General Contractor's fees as described in Rule 67-48.0072, F.A.C. Such form shall be completed, executed and submitted to the Corporation, along with the executed Extended Use Agreement, IRS Forms 8821 for all Financial Beneficiaries, a copy of the syndication agreement disclosing the rate and all terms, the required certified public accountant opinion letter, an unqualified audit report prepared by an independent certified public accountant, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in the Form FCCA instructions. The Final Housing Credit Allocation will not be issued until such time as all required items are received and processed by the Corporation. The Final Cost Certification Application is adopted and incorporated herein by reference, effective January 2007, and is available on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1321. IRS Form 8821, Rev. April 2004, is adopted and incorporated herein by reference

and available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and Links.

(8) After the final evaluation and determination of the Housing Credit Allocation amount has been made by the Corporation and the Extended Use Agreement has been executed in accordance with Rule 67-48.029, F.A.C., the Forms 8609 are issued to the Applicant of the Housing Credit Development, as provided below. IRS Low-Income Housing Credit Allocation Certification Form 8609, Rev. December 2006 2005, is adopted and incorporated herein by reference and available on the Corporation's Website under the 2008 2007 Universal Application link labeled Related Information and Links. The Corporation will issue only one complete set of Forms 8609 per Development which will be no earlier than total Development completion, and the Corporation's acceptance and approval of the Development's Final Cost Certification Application, and determination by the Corporation that all financial obligations for which an Applicant or Principal, Affiliate or Financial Beneficiary of an Applicant is in arrears to the Corporation or any agent or assignee of the Corporation have been satisfied.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.023, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, Repromulgated 4-6-03, Amended 3-21-04, 2-7-05, 1-29-06, 4-1-07, _____.

67-48.027 Tax-Exempt Bond-Financed Developments.

(1) Tax-Exempt Bond-Financed Developments, as defined in Section 42(h)(4)(B) of the IRC, which applied for 4 percent Housing Credits when applying for tax exempt bonds from the Corporation in calendar year 2000 or later shall:

(a) Have 50 percent or more of the aggregate basis of any building and the land on which the building is located financed by tax-exempt bonds;

(b) Be subject to the monitoring and credit underwriting fees as stated in Chapter 67-21, F.A.C.;

(c) Be deemed to have met all HC Program scoring threshold requirements upon the closing of the bonds with the Corporation;

(e) Be subject to the provisions of this rule chapter, specifically the applicable provisions of Part I and Part IV, except for Rules 67-48.0072 67-48.026 and 67-48.028, F.A.C.;(d) Receive a Preliminary Determination upon the Corporation's issuance of a loan commitment in reference to the tax-exempt bonds;

(f) Receive Building Identification Numbers from the Corporation upon satisfying the requirements of this section and the Final Cost Certification Application requirements of Rule 67-48.023, F.A.C.;

(g) Provide an IRS Form 8821 for each Financial Beneficiary of the Development prior to Final Housing Credit Allocation; and

(h) Pay the assigned Credit Underwriter for a comprehensive market study of the housing needs of Low Income individuals in the area to be served by the Development. The market study must be completed by a disinterested third party and a copy of the completed market study must be on file with the Corporation prior to the Final Housing Credit Allocation.

(2) Tax-Exempt Bond-Financed Developments, as defined in Section 42(h)(4)(B) of the IRC, seeking to obtain Housing Credits from the Treasury receiving the bonds from the Corporation prior to calendar year 2000 or receiving bonds from another source other than the Corporation, and not competing for Housing Credits under the state of Florida Allocation Authority shall:

(a) Have 50 percent or more of the aggregate basis of any building and the land on which the building is located financed by tax-exempt bonds;

(b) Be subject to the Application fee specified in this rule chapter;

(c) Meet the HC Program threshold requirements pursuant to the Qualified Allocation Plan and shall have completed loan closings on all required financing;

(d) Participate in the credit underwriting process pursuant to this rule chapter, unless such Development has received its tax-exempt bond financing through the Corporation, in which case the Development must be underwritten to the extent necessary to determine Development feasibility and Housing Credit need;

(e) Be subject to the credit underwriting fees as set forth in this rule chapter;

(f) Be subject to the administrative fee specified in this rule chapter;

(g) Receive a Preliminary Determination from the Corporation upon satisfying the requirements of paragraphs (a) through (f) above. A Development may receive a Preliminary Determination prior to the bonds being issued and the submission of an Application, if the Corporation receives a credit underwriting report prepared by one of the Corporation's contracted Credit Underwriters which recommends a Housing Credit Allocation and the issuance of tax-exempt bonds, and receives evidence of a loan commitment in reference to the tax-exempt bonds. The administrative fee must be paid within seven days of the date of the Preliminary Determination;

(h) Be subject to a Developer fee limitation as specified in this rule chapter;

(i) Be subject to the provisions of this rule chapter, specifically the applicable provisions of Part I and Part IV, except for Rule 67-48.028, F.A.C.;

(j) Provide an IRS Form 8821 for each Financial Beneficiary of the Development prior to Final Housing Credit Allocation;

(k) Be subject to the provisions in this rule chapter, pertaining to the required Extended Use Agreement;

(l) Be subject to the monitoring fee specified in this rule chapter, unless such Development has received tax-exempt bond financing through the Corporation;

(m) After bonds are issued to the Development, make Application to the Corporation as required in Rules 67-48.004 and ~~67-48.0072~~ ~~67-48.026~~, F.A.C. Applicant shall submit its Application completed in accordance with the Universal Application Package instructions for receipt by the Corporation no later than July 1 of the year the Development is placed in service; and

(n) Receive Building Identification Numbers from the Corporation upon satisfying the requirements of this section and the Final Cost Certification Application requirements of Rule 67-48.023, F.A.C.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.027, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-48.028 Carryover Allocation Provisions.

(1) If an Applicant cannot complete its Development by the end of the year in which the Preliminary Allocation is issued, the Applicant must enter into a Carryover Allocation Agreement with the Corporation by December 29th of the year in which the Preliminary Allocation is issued. The Carryover Allocation allows the Applicant up to the end of the second year following the Carryover Allocation to have the Development placed-in-service.

(2) An Applicant shall have tax basis in the Housing Credit Development which is greater than 10 percent of the reasonably expected basis in the Housing Credit Development within six (6) months of the date of the execution of the Carryover Allocation Agreement or the Housing Credits will be deemed to be returned to the Corporation. Certification that the Applicant has met the greater than 10 percent basis requirement shall be signed by the Applicant’s attorney or certified public accountant.

(3) All supporting Carryover documentation and the signed certification evidencing the required basis must be submitted to the Corporation within six (6) months of the date of the execution of the Carryover Allocation Agreement or the Housing Credits will be deemed to be returned.

(4) The Applicant for each Development for which a Carryover Allocation Agreement has been executed shall submit quarterly progress reports to the Corporation using Progress Report Form Q/M Report, which will be provided by the Corporation. If the Form Q/M Report does not demonstrate continuous and adequate development and construction progress, the Corporation will require monthly submission of Form Q/M Report until satisfactory progress is achieved, until the Development is placed in service, or until a determination is made by the Corporation that the Development cannot be placed in service by the Carryover deadline and the Housing

Credits are returned to the Corporation in accordance with the terms of the Carryover Allocation Agreement. Form Q/M Report shall include a written statement describing the current status of the Development; the financing, construction and syndication activity since the last report; the reasons for any changes to the anticipated placed-in-service date; and any other information relating to the status of the Development which the Corporation may request. The first report shall be due to the Corporation by the first Monday in April of the calendar year following Carryover qualification.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 9I-48.028, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, Amended 4-1-07, Repromulgated _____.

67-48.029 Extended Use Agreement.

(1) Pursuant to Section 42(h)(6) of the IRC, the Applicant and the Corporation shall enter into an Extended Use Agreement. The purpose of the Extended Use Agreement is to set forth the Housing Credit Extended Use Period, the Compliance Period, and to evidence commitments made by the Applicant in the Application. Such commitments, for example, include the Housing Credit Set-Aside commitment, resident programs, and Development amenities.

(2) The following provisions shall be included in the Extended Use Agreement:

(a) The Applicable Fraction for Housing Credit Set-Aside units for each taxable year in the Housing Credit Extended Use Period shall not be less than the Applicable Fraction;

(b) Eligible Persons occupying set-aside units shall have the right to enforce in any state of Florida court the extended use requirement for set-aside units;

(c) The Extended Use Agreement shall be binding on all successors and assigns of the Applicant; and

(d) The Extended Use Agreement shall be executed prior to the issuance of a Final Housing Credit Allocation to an Applicant. Following execution, the Extended Use Agreement shall be recorded pursuant to Florida law as a restrictive covenant.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 9I-48.029, Amended 11-9-98, 2-24-00, Repromulgated 2-22-01, 3-17-02, 4-6-03, Amended 3-21-04, 2-7-05, Repromulgated 1-29-06, 4-1-07, _____.

67-48.030 Sale or Transfer of a Housing Credit Development.

An owner of a Housing Credit Development, its successor or assigns which has been granted a Final Housing Credit Allocation shall not sell the Housing Credit Development without having first notified the Treasury of the impending sale and complying with the Treasury’s procedure or procedures for completing the transfer of ownership and utilizing the Housing

Credit Allocation. The owner of a Housing Credit Development shall notify the Corporation in writing of an impending sale and of compliance with any requirements by the Treasury for the transfer of the Housing Credit Development. The owner of a Housing Credit Development shall notify the Corporation in writing of the name and address of the party or parties to whom the Housing Credit Development was sold within 14 Calendar Days of the transfer of the Housing Credit Development.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 91-48.030, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, Repromulgated 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, _____.

67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments.

The Housing Credit Extended Use Period for any building shall terminate upon the date a building is acquired through foreclosure or instrument in lieu of foreclosure or if no buyer can be found who is willing to maintain the Housing Credit Set-Aside of the Development. In the event the Applicant is unable to locate a buyer willing to maintain the set-aside provisions of the Extended Use Agreement, the following steps shall be taken, as set forth in Section 42(h)(6) of the IRC, before a building is converted to market-rate use:

(1) After the fourteenth year of the Compliance Period, unless otherwise obligated under the Extended Use Agreement, a Land Use Restriction Agreement under another Corporation program, or if Applicant has already knowingly and voluntarily waived its right to request the Corporation find a buyer to acquire the Applicant's interest in the Housing Credit Set-Aside portion of the building, an Applicant may submit a written request to the Corporation to find a buyer to acquire the Applicant's interest in the Housing Credit Set-Aside portion of the building. When submitting a written request, Applicants shall utilize the Qualified Contract Package in effect at the time of the written request and shall remit payment of the required Qualified Contract Package fee. The Qualified Contract Package consists of the forms and instructions, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or on the Corporation's Website under the 2008 ~~2007~~ Universal Application link labeled Related Information and Links, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to request the Corporation find a buyer to acquire the Applicant's interest in the Housing Credit Set-Aside portion of the building. The Qualified Contract Package, Rev. 09-07 ~~09-06~~, is adopted and incorporated herein by reference.

(2) All information contained in a Qualified Contract Package request is subject to independent review, analysis and verification by the Corporation or its agents. The Corporation shall request additional information to document the qualified

contract price calculation or other information submitted, if the submitted documentation does not support the price indicated by the certified public accountant (CPA) hired by the owner. The Corporation shall then engage its own CPA to perform a qualified contract price calculation. Cost of such service shall be paid for by the owner. Following the Corporation's receipt and complete review of the completed Qualified Contract Package, the Corporation shall have one year to present a "qualified contract", as defined in Section 42(h)(6)(F) of the IRC, for the Development. The one year time period shall commence upon the Corporation's receipt and final review of all of the accompanying information required by the Qualified Contract Package and the Corporation and the owner have agreed to the qualified contract price in writing.

(3) The Corporation shall not agree to the qualified contract price in writing until the Applicant has satisfied any financial obligations for which the Applicant or Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears to the Corporation or any agent or assignee of the Corporation.

(4) The Applicant is responsible for all real estate broker fees incurred from the sale of the Development.

(5)(3) At the conclusion of the review process established by Rule 67-48.031, F.A.C., each Applicant will be provided with its qualified contract price calculation and notice of rights.

(6)(4) Written arguments to any recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its qualified contract price calculation shall be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, excluding the caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from ~~on~~ the date of issuance of ~~contained in~~ the recommended order. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. The one year time period the Corporation has to present a "qualified contract" will toll upon the filing of a petition to contest a qualified contract price calculation and will recommence upon the issuance of the Board's final order.

(7)(5) The Applicant shall cooperate with the Corporation and its agents with respect to the Corporation's efforts to present a "qualified contract" for the purchase of the Applicant's interest in the Housing Credit Set-Aside portion of the Development and the Applicant's failure to cooperate will toll the one year time period the Corporation has to present a "qualified contract". The Corporation shall actively seek to obtain a qualified buyer for acquisition of the Housing Credit

Set-Aside portion of the building for an amount not less than the Applicable Fraction as specified in the Extended Use Agreement of:

- (a) The sum of the outstanding indebtedness secured by the building;
- (b) The adjusted investor equity in the building; and
- (c) Other capital contributions not reflected in the amounts above, and reduced by cash distributions from the Development.

~~(8)(6)~~ If the Corporation presents a “qualified contract” and the Applicant fails to enter into a bona fide contract to acquire the Development, as defined in Section 42(h)(6)(F) of the IRC, the Applicant shall irrevocably waive any right to further request that the Corporation present a “qualified contract” for the purchase of the Applicant’s interest in the Housing Credit Set-Aside portion of the Development and the Development will remain subject to the requirements of the Extended Use Agreement.

~~(9)(7)~~ In the event no buyer is found to acquire the Housing Credit Set-Aside portion of the building within one year as described herein, the Housing Credit Extended Use Period shall be terminated, and the units converted to market-rate.

~~(10)(8)~~ Pursuant to Section 42(h)(6)(E)(ii) of the IRC, the termination of an Extended Use Agreement shall not be construed to permit the termination of a tenancy, the eviction of any existing resident of any set-aside unit, or any increase in the gross rent with respect to any set-aside unit before the close of the three-year period following such termination. In no case shall any portion of a Housing Credit Development be disposed of prior to the expiration of the Extended Use Agreement.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 91-48.031, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, Amended 2-7-05, 1-29-06, 4-1-07,

NAME OF PERSON ORIGINATING PROPOSED RULE: Deborah Dozier Blinderman, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephen P. Auger, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 33, No. 36, September 7, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-9.004
 RULE TITLE: Consumer Brochure

PURPOSE AND EFFECT: Section 497.282(9), F.S., requires licensees to display and provide to all potential customers a brochure which explains how and by whom cemeteries and preneed sales are regulated, summarizes consumer rights, and provides the address and phone number of the Division of Funeral, Cemetery, and Consumer Services. The format and content of the brochure shall be prescribed by rule. Section 497.282(9), F.S., authorizes the Department to publish such brochures and to require cemetery and preneed licensees to purchase and make such brochures available in the licensee's offices to all potential customers.

SUMMARY: The proposed rule implements Section 497.282(9), F.S., by requiring all cemetery and preneed licensees to display and provide to all potential customers a consumer brochure.

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

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.

SPECIFIC AUTHORITY: 497.103(5)(b), 497.167(5), 497.282(9) FS.

LAW IMPLEMENTED: 497.167(5), 497.282(9) FS.

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

DATE AND TIME: Monday, February 11, 2008, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida

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: Diana Marr (850)413-3039 or diana.marr@fldfs.com. 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 IS: Diana Marr, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361 (850)413-3039

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-9.004 Consumer Brochure.

Each cemetery and preneed licensee offering to provide burial rights, merchandise, or services to the public shall display in its offices for free distribution to all potential customers, and provide to all customers before the contract is signed by the purchaser, a brochure entitled "Pre-Need Funeral & Cemetery Arrangements." Form DFS-N1-1698, effective 10/06. The brochures shall be purchased from the Department and cannot be printed by a licensee or a private vendor for a licensee. Brochures shall be purchased, at Department cost, by submitting the "Brochure Purchase Order," Form DFS-N1-1729, effective 10/06, or by submitting a written request to the Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, FL 32399-0361. Brochures shall be sold in increments of 100 with a minimum order of 100 brochures. Both forms are incorporated by reference in Rule 69K-1.001, F.A.C.

Specific Authority 497.103(5)(b), 497.167(5), 497.282(9) FS. Law Implemented 497.167(5), 497.282(9) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diana Marr, Director, Division of Funeral, Cemetery, and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Chandler, Deputy Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NOS.:	RULE TITLES:
5C-24.001	Definitions
5C-24.002	General Requirements
5C-24.003	Official Certificate of Veterinary Inspection (OCVI)

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.:	RULE TITLE:
5C-28.001	Dog and Cats – Intrastate Transfer of Ownership

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.:	RULE TITLE:
5J-14.003	Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 2, January 11, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.:	RULE TITLE:
5J-14.004	Separate Promotions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 2, January 11, 2008 issue of the Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

LAND AND WATER ADJUDICATORY COMMISSION

Capital Region Community Development District

RULE NO.:	RULE TITLE:
42CC-1.002	Boundary

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 41, October 12, 2007 issue of the Florida Administrative Weekly has been withdrawn.

LAND AND WATER ADJUDICATORY COMMISSION

Southeastern Community Development District

RULE NOS.:	RULE TITLES:
42III-1.001	Establishment
42III-1.002	Boundary
42III-1.003	Supervisors

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 41, October 12, 2007 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.020	Payment Methodology for Inpatient Hospital Services

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. 33, No. 39, September 28, 2007 issue of the Florida Administrative Weekly.

In the Title XIX Inpatient Hospital Reimbursement Plan, as incorporated into this rule by reference:

1. The language “For any public hospital that does not qualify for the elimination of the inpatient ceilings under this section of the 2007-08 General Appropriations Act or any other proviso listed, the public hospital shall be exempt from the inpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match” has been deleted from the proposed rule language.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.030	Payment Methodology for Outpatient Hospital Services

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. 33, No. 39, September 28, 2007 issue of the Florida Administrative Weekly.

Section III.F. Allowable Costs

1. The term “public hospital” has been replaced with non-state-government owned or operated facility in accordance with 42 CFR §417.272.

Section V.15 Standards

2. The term “public hospital” has been replaced with non-state government owned or operated facility in accordance with 42 CFR §417.272.

3. The phrase “contingent on the public hospital or local governmental entity providing the required state match” has been deleted from the plan language.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-5.014	Registration of Corporation

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. 32, No. 14, April 7, 2006 issue of the Florida Administrative Weekly.

AMENDED NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 14, April 7, 2006, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on December 12, 2006, in Orlando, Florida, and determined the following changes should be made:

~~Unless the Commission or BPR shall have information that the corporation has been in violation of Chapters 475 and 455, Florida Statutes, or the rules promulgated under said chapters, it will be assumed to be qualified for registration if its officers and directors are qualified and if the answers to questions in the application, or in supplemental inquiries, are satisfactory. Otherwise, investigation and other proceedings, as in cases of individual applicants, shall commence.~~ No registration shall be granted or renewed for any corporation if it shall appear that the person individual(s) having control of the corporation has been denied, revoked, or suspended and not reinstated, or if a person having control of the corporation has been convicted of a felony in any court and has not had civil rights restored for at least 5 years, or if an injunction has been entered against the person individual for operating as a real estate licensee without a license. A person shall be deemed to be in control of a corporation where such person ~~or spouse, children, or member of the household~~ shall own or control, ~~directly or indirectly,~~ more than 50 ~~40~~ percent of the voting stock of such corporation.

An applicant for registration shall submit forms DBPR 0040-1, revised 3/5/03 (Officers and Directors), DBPR RE-2000, revised 11/07 (Application Requirements), and DBPR RE-2050, revised 11/07 (Request for Change of Status), which are incorporated herein by reference. The forms can be obtained from the Department of Business and Professional Regulation at, 1940 North Monroe Street, Tallahassee, Florida 32399-0783, and the Call Center by calling (850) 487-1395. No corporation shall operate as a real estate broker until they have received written notification from the Department that the corporation has been properly registered.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suit N802, Orlando, Florida 32801

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE NOS.:	RULE TITLES:
64E-2.023	Trauma Center Requirements
64E-2.024	Process for the Approval of Trauma Centers
64E-2.025	Extension of Application Period
64E-2.026	Certificate of Approval
64E-2.027	Process for Renewal of Trauma Centers
64E-2.028	Site Visits and Approval
64E-2.029	Application by Hospital Denied Approval

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. 33, No. 39, September 28, 2007 issue of the Florida Administrative Weekly.

The following changes have been made to the Florida Trauma Center Standards, Department of Health Pamphlet 150-9, which is incorporated by reference in the above referenced rules, based on comments received prior to or during the October 29, 2007 and the January 3, 2008 hearings. A complete copy of the January 2008 Pamphlet 150-9 can be found on the following website: <http://www.doh.state.fl.us/demo/Trauma/notices.htm> under "Notices and Upcoming Events."

Chapter One – Definitions

Trauma Nursing Core Course (TNCC): A course developed and presented by the Emergency Nurses Association that in part will meet the minimum educational standard for a nurse requiring trauma specific education

Chapter Two

Standard II – Trauma Service

B. Administrative Requirements

7. The hospital submits trauma data to the state Division of Emergency Medical Operations, Office of Trauma, trauma registry program in accordance with "The Florida Trauma Registry Manual," ~~December 2005~~, adopted by reference in Rule 64E-2.018, Florida Administrative Code.

Chapter Three

Standard II – Trauma Service

B. Administrative Requirements

7. The hospital submits trauma data to the state Division of Emergency Medical Operations, Office of Trauma Bureau of EMS trauma registry program in accordance with "The Florida Trauma Registry Manual," ~~December 2005~~, adopted by reference in Rule 64E-2.018, Florida Administrative Code.

Chapter Four

Standard II – Trauma Service

B. Administrative Requirements

7. The hospital submits trauma data to the state Division of Emergency Medical Operations, Office of Trauma Bureau of EMS trauma registry program in accordance with "The Florida Trauma Registry Manual," ~~December 2005~~, adopted by reference in Rule 64E-2.018, Florida Administrative Code.

Chapters Two, Three and Four

Standard XVI – Psychosocial Support Systems

C. Drug and alcohol counseling and referral services shall be available for patients who are admitted into the trauma service and their families for patients and their families.

Chapter Two

Standard XIX – Trauma Research

A. The trauma service shall conduct ongoing clinical and research programs in trauma patient care and a Level I trauma center program must have:

1. Three articles published in a 3-year period. These articles must result from work related to the trauma center. Of the three articles, at least 1 must be authored or coauthored by members of the general surgery trauma team. Trauma-related articles co-authored by members of other disciplines or work done in collaboration with other trauma centers; sub-specialists involved in trauma care for examples: neurosurgery, emergency medicine, orthopaedics, radiology, anesthesia, and rehabilitation; and participation in multicenter investigations may be included in the remainder, and

The following technical changes have been made to the text of the proposed rules to reference the definition of "department", which can be found in subsection 64E-2.001(8), F.A.C. The definition for "department" provides the address where documents incorporated by reference in the proposed rules can be obtained. Also, the date of the Trauma Center Standards – DH Pamphlet 150-9 has been changed to January 2008 due to the above changes requested prior to or during the January 3, 2008 hearing.

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.023 Trauma Center Requirements.

(1) The standards for Level I, Level II and Pediatric trauma centers are published in DH Pamphlet (DHP) 150-9, January 2008 ~~December 2004~~, which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C. Trauma centers must be in full compliance with these standards by January 1, 2009 ~~July 1, 2000~~.

(2) To be a Level I trauma center, a hospital shall be a state licensed general hospital and shall:

(a) Meet and maintain after receiving provisional status and during the 7 year approval period the standards for a Level I trauma center as provided in DHP 150-9, January 2008 ~~December 2004~~;

(b) through (d) No change.

(3) To be a Level II trauma center, a hospital shall:

(a) Meet and maintain after receiving provisional status and during the 7 year approval period the standards for a Level II trauma center, as provided in DHP 150-9, January 2008 ~~December 2004~~;

(b) through (d) No change.

(4) To be a pediatric trauma center, a hospital shall:

(a) Meet and maintain after receiving provisional status and during the 7 year approval period the standards for a pediatric trauma center, as provided in DHP 150-9, January 2008 ~~December 2004~~;

(b) through (d) No change.

(5) The standards published in DHP 150-9, January 2008 ~~December 2004~~, are subject to revision at any time through rule promulgation. Any hospital that has been granted Provisional trauma center status or has been granted a 7 year Certificate of Approval as a trauma center shall comply with all revisions to the standards published in DHP 150-9, beginning on the date the amended rule becomes effective.

Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.108, Amended 8-4-98, 2-20-00, 6-3-02, 6-9-05, _____.

64E-2.024 Process for the Approval of Trauma Centers.

(1) through Table VII – Process for Approval of Trauma Centers.

(a) The department shall accept a letter of intent, DH Form 1840, January 2008 ~~December 2004~~, “Trauma Center Letter of Intent”, which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C., postmarked no earlier than September 1 and no later than midnight, October 1, from any acute care general or pediatric hospital. The letter of intent is non-binding, but preserves the hospital’s right to submit an application by the required due date if an available position, as provided in Rule 64E-2.022, F.A.C., exists in the hospital’s TSA. If the hospital does not submit an application by April 1 of the following year, the hospital’s letter of intent is void;

(b) By October 15, the department shall send to those hospitals submitting a letter of intent an application package which will include, as a minimum, instructions for submitting information to the department for selection as a trauma center, DHP 150-9, January 2008 ~~December 2004~~, Trauma Center Standards, which is incorporated by reference in Rule

64E-2.023, F.A.C. and available from the department, as defined by subsection 64E-2.001(8), F.A.C., and the requested application(s);

(c) No change.

1. To apply for approval as a Level I Trauma Center, applicants must submit all forms contained in the Level I Trauma Center Application Manual, January 2008 ~~December 2004~~. The manual and the forms contained therein are incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C. The manual contains the following forms: DH Form 2032, January 2008 ~~December 2004~~, General Information for Level I Trauma Center Application; DH Form 2032-A, January 2008 ~~December 2004~~, Level I Trauma Center Approval Standards Summary Chart; DH Form 2032-B, January 2008 ~~December 2004~~, Application for Level I Trauma Center Approval Letter of Certification; DH Form 2032-C, January 2008 ~~December 2004~~, Level I Trauma Center Surgical Specialties Certifications; DH Form 2032-D, January 2008 ~~December 2004~~, Level I Trauma Center Non-Surgical Specialties Certifications; DH Form 2032-E, January 2008 ~~December 2004~~, Level I Trauma Center General Surgeons Commitment Statement; DH Form 2032-F, January 2008 ~~December 2004~~, Level I Trauma Center General Surgeons Available for Trauma Surgical Call; DH Form 2032-G, January 2008 ~~December 2004~~, Level I Trauma Center Neurosurgeons Available for Trauma Surgical Call; DH Form 2032-H, January 2008 ~~December 2004~~, Level I Trauma Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 2032-I, January 2008 ~~December 2004~~, Level I Trauma Center Surgical Specialists On Call and Promptly Available; DH Form 2032-J, January 2008 ~~December 2004~~, Level I Trauma Center Emergency Department Physicians; DH Form 2032-K, January 2008 ~~December 2004~~, Level I Trauma Center Anesthesiologists Available for Trauma Call; DH Form 2032-L, January 2008 ~~December 2004~~, Level I Trauma Center C.R.N.A.s Available for Trauma Call; and DH Form 2032-M, January 2008 ~~December 2004~~, Level I Trauma Center Non-Surgical Specialists On Call and Promptly Available.

2. To apply for approval as a Level II Trauma Center, applicants must submit all forms contained in the Level II Trauma Center Application Manual, January 2008 ~~December 2004~~. The manual and the forms contained therein are incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C. The manual contains the following forms: DH Form 2043, January 2008 ~~December 2004~~, General Information for Level II Trauma Center Application; DH Form 2043-A, January 2008 ~~December 2004~~, Level II Trauma Center Approval Standards Summary Chart; DH Form 2043-B, January 2008 ~~December 2004~~, Application for Level II Trauma Center Approval Letter of Certification; DH Form 2043-C, January 2008 ~~December~~

2004, Level II Trauma Center Surgical Specialties Certifications; DH Form 2043-D, January 2008 ~~December 2004~~, Level II Trauma Center Non-Surgical Specialties Certifications; DH Form 2043-E, January 2008 ~~December 2004~~, Level II Trauma Center General Surgeons Commitment Statement; DH Form 2043-F, January 2008 ~~December 2004~~, Level II Trauma Center General Surgeons Available for Trauma Surgical Call; DH Form 2043-G, January 2008 ~~December 2004~~, Level II Trauma Center Neurosurgeons Available for Trauma Surgical Call; DH Form 2043-H, January 2008 ~~December 2004~~, Level II Trauma Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 2043-I, January 2008 ~~December 2004~~, Level II Trauma Center Surgical Specialists On Call and Promptly Available; DH Form 2043-J, January 2008 ~~December 2004~~, Level II Trauma Center Emergency Department Physicians; DH Form 2043-K, January 2008 ~~December 2004~~, Level II Trauma Center Anesthesiologists Available for Trauma Call; DH Form 2043-L, January 2008 ~~December 2004~~, Level II Trauma Center C.R.N.A.s Available for Trauma Call; and DH Form 2043-M, January 2008 ~~December 2004~~, Level II Trauma Center Non-Surgical Specialists On Call and Promptly Available.

3. To apply for approval as a Pediatric Trauma Center, applicants must submit all forms contained in the Pediatric Trauma Center Application Manual, January 2008 ~~December 2004~~. The manual and the forms contained therein are incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C. The manual contains the following forms: DH Form 1721, January 2008 ~~December 2004~~, General Information for Pediatric Trauma Center Application; DH Form 1721-A, January 2008 ~~December 2004~~, Pediatric Trauma Center Approval Standards Summary Chart; DH Form 1721-B, January 2008 ~~December 2004~~, Application for Pediatric Trauma Center Letter of Certification; DH Form 1721-C, January 2008 ~~December 2004~~, Pediatric Trauma Center Surgical Specialties Certifications; DH Form 1721-D, January 2008 ~~December 2004~~, Pediatric Trauma Center Non-Surgical Specialties Certifications; DH Form 1721-E, January 2008 ~~December 2004~~, Pediatric Center General Surgeons Commitment Statement; DH Form 1721-F, January 2008 ~~December 2004~~, Pediatric Trauma Center General Surgeons Available for Trauma Surgical Call; DH Form 1721-G, January 2008 ~~December 2004~~, Pediatric Trauma Center Neurosurgeons Available for Trauma Surgical Call; DH Form 1721-H, January 2008 ~~December 2004~~, Pediatric Trauma Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 1721-I, January 2008 ~~December 2004~~, Pediatric Trauma Center Surgical Specialists On Call and Promptly Available; DH Form 1721-J, January 2008 ~~December 2004~~, Pediatric Trauma Center Emergency Department Physicians; DH Form 1721-K, January 2008 ~~December 2004~~, Pediatric Trauma Center Anesthesiologists Available for

Trauma Call; DH Form 1721-L, January 2008 ~~December 2004~~, Pediatric Trauma Center C.R.N.A.s Available for Trauma Call; and DH Form 1721-M, January 2008 ~~December 2004~~, Pediatric Trauma Center Non-Surgical Specialists On Call and Promptly Available.

(d) After considering the results of the local or regional trauma agency’s recommendations, the department shall, by April 15, conduct a provisional review to determine completeness of the application and the hospital’s compliance with the standards of critical elements for provisional status. The standards of critical elements for provisional review for Level I and Level II trauma center applications are specified in DHP 150-9, January 2008 ~~December 2004~~, as follows:

Level I

STANDARD

I. through XVIII.; No change

XIX. Trauma Research: B₂;

XX. Disaster Planning and Management.

Level II

STANDARD

I. through XVII. Outreach Programs: B, C, and E; No change.

XVIII. Quality Management: A through H₂;

XIX. Disaster Planning and Management.

Pediatric

STANDARD

I. Administrative: A, E, and F; through XVIII. Quality Management: A through H; No change.

XIX. Trauma Research: B₂;

XX. Disaster Planning and Management.

(e) through (m) No change.

Specific Authority 395.405 FS. Law Implemented 395.1031, 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.109, Amended 8-4-98, 2-20-00, 6-3-02, 6-9-05, _____.

64E-2.025 Extension of Application Period.

(1) No change.

(2) To be considered for an extension, a hospital must submit an application in accordance with the requirements in Rule 64E-2.024, F.A.C., together with a request for extension. The request for extension must contain the following:

(a) The specific date the hospital desires to have the department begin the provisional review of the hospital’s application;

(b) A reference to each standard, or specific part of a standard, in DHP 150-9, January 2008 ~~December 2004~~, Trauma Center Standards, which is incorporated by reference in Rule 64E-2.023, F.A.C. and available from the department, as defined by subsection 64E-2.001(8), F.A.C., that the hospital is unable to meet;

(c) through (14) No change.

Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 12-10-92, Amended 12-10-95, Formerly 10D-66.1095, Amended 8-4-98, 2-20-00, 6-3-02, 6-9-05, _____.

64E-2.026 Certificate of Approval.

Each hospital approved as a trauma center shall be issued a DH Form 2032-Z, January 2008 ~~December 2004~~, Level I Trauma Center Certificate of Approval, DH Form 2043-Z, January 2008 ~~December 2004~~, Level II Trauma Center Certificate of Approval, or DH Form 1721-Z, January 2008 ~~December 2004~~, Pediatric Trauma Center Certificate of Approval, which are incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C. The certificates shall include:

- (1) The date effective and the date of termination;
- (2) The hospital's name; and
- (3) The approved trauma center level.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, Formerly 10D-66.110, Amended 2-20-00, 4-15-01, 6-9-05, _____.

64E-2.027 Process for Renewal of Trauma Centers.

(1) At least 14 months prior to the expiration of the trauma center's certification, the department shall send, to each trauma center that is eligible to renew, a blank DH Form 2032R, January 2008 ~~December 2004~~, Trauma Center Application to Renew, which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C., in accordance with the provisions of this section. Within 15 calendar days after receipt, the trauma center choosing to renew its certification shall submit to the department the completed DH Form 2032R, January 2008 ~~December 2004~~.

(2) All renewing trauma centers shall receive an on-site survey after the department's receipt of the completed DH Form 2032R, January 2008 ~~December 2004~~. The department shall notify each trauma center of the results of the site survey within 30 working days from completion of the site survey. If the trauma center desires to provide additional information regarding the results of the site survey to the department to be considered, the information must be provided in writing and be received by the department within 30 calendar days of the hospital's receipt of the department's notice. If the trauma center elects not to respond to the department's notice within 30 calendar days, the department shall make the final determination of approval or denial based solely on information collected during the applicant's site survey.

- (3) through (4) No change.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 1-23-96, Formerly 10D-66.111, Amended 3-15-98, 2-20-00, 6-9-05, _____.

64E-2.028 Site Visits and Approval.

(1) Each Provisional trauma center shall receive an on-site evaluation to determine whether the hospital is in substantial compliance with standards published in DHP 150-9, January 2008 ~~December 2004~~, Trauma Center Standards, which is incorporated by reference in Rule 64E-2.023, F.A.C. and available from the department, as defined by subsection 64E-2.001(8), F.A.C., and to determine the quality of trauma care provided by the hospital.

- (2) through (3) No change.

(4) The reviewers shall assess each applicant hospital's compliance with the standards published in DHP 150-9, January 2008 ~~December 2004~~, by means of direct observation, review of call schedules, and review of patient charts. Reviewers also shall assess the quality of trauma patient care and trauma patient management by reviewing facility trauma mortality data, by reviewing patient charts and by reviewing trauma case summaries and minutes of trauma quality management committee meetings pursuant to Standard XVIII of DHP 150-9, January 2008 ~~December 2004~~.

- (5)(a) through (b) No change.

(c) Patient charts to be reviewed shall be selected by the department from cases meeting the criteria listed in Standard XVIII B.2., published in DHP 150-9, January 2008 ~~December 2004~~. A minimum of 75 cases shall be selected for review in each facility. If the cases total less than 75, then all cases are subject to review.

(6) The reviewers shall rate a Provisional trauma center which they have reviewed as either acceptable, acceptable with corrections, or unacceptable. The rating shall be based on each facility's substantial compliance with the standards published in DHP 150-9, January 2008 ~~December 2004~~, and upon the performance of each Provisional trauma center in providing acceptable trauma patient care and trauma patient management which resulted in acceptable patient outcomes. (d) through (e) No change.

- (7) through (12) No change.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 10-2-94, 12-10-95, Formerly 10D-66.112, Amended 8-4-98, 2-20-00, 6-3-02, 6-9-05, _____.

64E-2.029 Application by Hospital Denied Approval.

Any hospital that was not approved as a trauma center based on the application of criteria in Rule 64E-2.028, F.A.C., may submit a completed Letter of Intent DH Form 1840 January 2008 ~~December 2004~~, which is available from the department, as defined by subsection 64E-2.001(8), F.A.C., postmarked no earlier than September 1 and no later than midnight October 1 of the following year.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.113, Amended 2-20-00, 6-9-05,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

- | | |
|------------|--|
| RULE NOS.: | RULE TITLES: |
| 68A-27.003 | Designation of Endangered Species; Prohibitions; Permits |
| 68A-27.004 | Designation of Threatened Species; Prohibitions; Permits |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 44, November 2, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

- | | |
|-------------|------------------------|
| RULE NOS.: | RULE TITLES: |
| 69A-58.004 | Firesafety Inspections |
| 69A-58.0081 | Means of Egress |
| 69A-58.0082 | Relocatable Buildings |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 51, December 21, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

- | | |
|-----------|---------------------------|
| RULE NO.: | RULE TITLE: |
| 69J-7.004 | Participating Contractors |

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule development in Vol. 34, No. 2, January 11, 2008 issue of the Florida Administrative Weekly.

Notice is hereby given that the workshop on the above reference rule will be held on Wednesday, January 30, 2008, 10:00 a.m. in the Larson Building, Room 142, 200 East Gaines Street, Tallahassee, Florida

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

- | | |
|--------------|-------------|
| RULE NO.: | RULE TITLE: |
| 69O-170.0155 | Forms |

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. 33, No. 47, November 21, 2007 issue of the Florida Administrative Weekly.

Notice is hereby given that the following changes have been made to the proposed, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 47, on November 21, 2007, of the *Florida Administrative Weekly*. These changes are being made to address concerns expressed Form OIR-B1-1809 “Health Care Provider Certification of Eligibility” has been revised based on comments received at the hearing. A copy of the revised form is available by contacting Michael Milnes at michael.milnes@fldfs.com. The remainder of the reads as previously published.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on December 27, 2007, the St. Johns River Water Management District, received a petition for variance from Roche Land Development Group, Inc., in relation to Environmental Resource Permit Application 4-009-104378-2 for a proposed modification to a permit for single-family residential subdivision in Brevard County, three lots of which are waterfront. The subdivision is located 1500 feet south of SR 528 on Merritt Island. Pursuant to Section 373.414(17), F.S., the petitioner is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c) of the Applicant’s Handbook:

Management and Storage of Surface Waters. These rules are designed to protect Class II or Class III waters which are classified as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting and require permit applicants to comply with the additional criteria when the proposed work is located in such waters. The petitioner seeks the variance to construct a single dock with three boat slips, approximately 271 linear feet (235+/- L.F over water and 36+/- L.F over land) as an adjunct to the three waterfront lots in the single-family residential subdivision. The work is proposed to occur directly in the Indian River, which in this area is a Class II water.

Comments on this petition should be filed with: Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned File of Record Number 2008-08. A copy of the Petition for Variance or Waiver may be obtained by contacting: Vance Kidder, Assistant General Counsel, St. Johns River Water Management District at the foregoing address or at (386)329-4199.

NOTICE IS HEREBY GIVEN THAT on December 20, 2007, the South Florida Water Management District (District), received a petition for waiver from Florida Department of Transportation, Application No. 07-1220-1M, for utilization of Works or Lands of the District known as the C-6 Canal, Miami-Dade County for the proposed replacement of the Krome Avenue Bridge crossing C-6 Canal. The petition seeks relief from subsections 40E-6.011(4), (6), and paragraph 40E-6221(2)(j), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank and governs the minimum low member elevation (vertical clearance) of pile-supported structures within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on December 28, 2007, the Agency for Health Care Administration has issued an order.

The Final Order is Denying Emergency Petition for Variance from or Waiver of paragraph 59C-1.018(3)(b), F.A.C., Termination of Certificate of Need.

The Order concerned the Petition for Waiver or Variance, filed on November 29, 2007, by Hillsborough Extended Care, LLC. The Notice of Petition for Waiver or Variance was published on pp. 6047-6048 of Vol. 33, No. 51, of the December 21, 2007, F.A.W. Petitioner requested a variance from or waiver of paragraph 59C-1.018(3)(b), F.A.C., entitled "Termination of Certificate of Need" which states that a Certificate of Need will terminate eighteen (18) months from the date of issuance, and requires that requests for extensions be filed no less than 15 calendar days before the Certificate of Need expiration date. The petition sought a variance from or waiver of the 15 day prior notice requirement of this rule.

The Agency denied this late extension request in correspondence dated October 23, 2007, and issued a Final Order on the Emergency Petition on December 28, 2007. The basis for the Agency's denial of the petition is the failure of the petitioner to establish that the requirements for a variance or waiver under Section 120.542(2), F.S., had been met.

A copy of the Order may be obtained by contacting: Lorraine M. Novak, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308, novakl@ahca.myflorida.com, (850)922-5873.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on November 26, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Westshore Pizza XXXIV located in Belleair Bluffs. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty-two (22).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 19, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code, from Bob's Train located in Sarasota. The above referenced Florida Administrative Code specifically addresses the proper disposal of sewage. The Petitioner is requesting to have the waste tanks pumped-out opposed to having permanent sewage connections.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 20, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Cold Stone Creamery located in Winter Park. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of eighteen (18).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 24, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Shelby's Coffee Shoppe located in Neptune Beach. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 26, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on December 11, 2007, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Bravisimo Restaurant located in Orlando. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees... They are requesting a variance to share bathroom facilities with an adjacent establishment.

This variance request was approved and is contingent upon the Petitioner ensuring the bathrooms located in the adjacent establishment, New York Pizza is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have 20 seats which includes inside and outside seating and all provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 26, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on December 13, 2007 an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Caribbean Essence located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 26, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on December 10, 2007, an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from China Fun located in Pace. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty-four (24).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (24) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 26, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on December 14, 2007, a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from El Caballo Blanco Cafeteria located in Miami. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (20) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 26, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on December 14, 2007, for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from Lin's Cutting Board located in Orlando. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated....They are requesting a variance to use public restrooms that are beyond 300 feet in distance.

This variance request was approved and is contingent upon the Petitioner ensuring the bathrooms located greater than 300 feet is functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no more than 20 seats which includes inside and outside seating. All provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 26, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on December 11, 2007, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Oceanway Crab House located in Jacksonville. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment.

This variance request was approved and is contingent upon the Petitioner ensuring the bathrooms located in the adjacent establishment, Signs of all Kinds is functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no seating and all provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a

rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 26, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on December 14, 2007, an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Paise Catering located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 26, 2007, the Board of Accountancy, received a petition for Kent Bailey, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, and the requirement that required continuing professional education hours have been completed in the 24 months immediately proceeding the date of an application for reactivation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on December 26, 2007, the Board of Accountancy, received a petition for Alan E. Klineberg, seeking a variance or waiver of paragraph 61H1-33.003(1)(a), Florida Administrative Code, which requires that in any given reestablishment period, at least 80 hours of continuing education credits must be earned.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on December 27, 2007, the Board of Accountancy, received a petition for Lawrence Ronald Freeman, seeking a variance or waiver of paragraph 61H1-33.003(1)(b), Florida Administrative Code, which requires that the licensee submit additional hours of continuing education if they do not timely meet the initial requirements for continuing professional education within their reestablishment period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on January 4, 2008, the Board of Medicine received a petition filed on behalf of Ricardo E. Huete, M.D., seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for the passing score on the FLEX examination to be obtained in one administration of the examination. 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.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on January 3, 2008, the Board of Pharmacy, received a petition for Alvin Appiah Pobe, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that an applicant for licensure be certified by the Foreign Pharmacy Graduate Examination Commission to have passed the Foreign Pharmacy Graduate Equivalency Examination, the Test of English as a Foreign Language, and the Test of Spoken English.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the Board of Pharmacy, received a petition for Kalpeshkumar N. Patel, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that an applicant for licensure be certified by the Foreign Pharmacy Graduate Examination Commission to have passed the Foreign Pharmacy Graduate Equivalency Examination, the Test of English as a Foreign Language, and the Test of Spoken English.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or telephone (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT on December 21, 2007, the Office of Insurance Regulation, received a petition for a waiver from the requirements of Rule 69O-125.003, F.A.C., relating to travel to Iraq and Afghanistan, due to the ongoing fight against terrorist factions in those two countries.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation at bob.prentiss@fldfs.com.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 25, 2008, 9:00 a.m. – 12:00 Noon

PLACE: TBA. Contact Elyse Cornelison at the Museum of Florida History at (850)245-6400 for further information

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Elyse Cornelison at the Museum of Florida History at (850)245-6400.

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: Elyse Cornelison at the Museum of Florida History at (850)245-6400. 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: Elyse Cornelison at the Museum of Florida History at (850)245-6400.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Elections Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, February 12, 2008; Wednesday, February 13, 2008, 8:30 a.m. – 6:00 p.m.

PLACE: Senate Office Building, 404 South Monroe Street, Room 401, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

A copy of the agenda may be obtained by contacting: Patsy Rushing at telephone number (850)922-4539, or write to 107 W. Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050.

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: Patsy Rushing at telephone number (850)922-4539, or by write to 107 W. Gaines St., Room 224, Tallahassee, FL 32399-1050. 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: Patsy Rushing at telephone number (850)922-4539, ext. 103, or write to 107 W. Gaines St., Suite 224, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agricultural Horse Park and Agricultural Center Authority** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, February 12, 2008, 3:00 p.m. and 5:30 p.m.

PLACE: Wachovia Bank, 2001 Southwest 17th Street, Ocala Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 3:00 p.m. meeting is for the various committees of the authority. The 5:30 p.m. meeting is a full board meeting to discuss general authority business.

A copy of the agenda may be obtained by contacting: Richard Gunnels at (850)488-3022 or gunnelr@doacs.state.fl.us.

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: Richard Gunnels at (850)488-3022 or gunnelr@doacs.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 **Pesticide Registration Evaluation Committee (PREC)** announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2008, 9:00 a.m.

PLACE: Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Conference Room 606, Tallahassee, Florida 32399

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: Pesticide Registration Section at (850)487-2130 or the PREC website: <http://www.flaes.org/pesticide/pesticideregistration.html>.

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: February 13, 2008, 1:30 p.m. – 3:30 p.m.

PLACE: Discovery Center of the Florida State Fairgrounds, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on Division of Forestry Programs.

A copy of the agenda may be obtained by contacting: Elaine Shellabarger, Division of Forestry, 3125 Conner Blvd., Tallahassee, Florida 32399.

For more information, you may contact: Michael Long, Division of Forestry, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-4274.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry (DOF)** and the Belmore State Forest Management Plan Advisory Group announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2008, 6:00 p.m.

PLACE: Penney Farms Town Hall, 4100 Clark Avenue, Penney Farms, FL 32068 (off of Highway 16)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Belmore State Forest Management Plan Advisory Group to prepare for a public hearing the evening of February 20, 2008 and provide recommendations to the DOF to help in preparation of a management plan for the Belmore State Forest.

Copies of a working draft of the plan and the management prospectus are available by contacting: Belmore State Forest, C/O Jennings State Forest, 1337 Long Horn Road, Middleburg, FL 32068 or contacting Frank Burley at (904)291-5530.

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: Belmore State Forest, C/O Jennings State Forest, 1337 Long Horn Road, Middleburg, FL 32068 or contacting

Frank Burley at (904)291-5530. 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.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Belmore State Forest Management Plan Advisory Group announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2008, 6:30 p.m.

PLACE: Penney Farms Town Hall, 4100 Clark Avenue, Penney Farms, FL 32079 (off of Highway 16)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit comments on management of the Belmore State Forest. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to: Belmore State Forest, C/O Jennings State Forest Office, 1337 Long Horn Road, Middleburg, FL 32068, to the attention of Frank Burley and should be mailed so as to arrive at the office by the date of the public hearing.

Copies of a working draft of the plan and the management prospectus are available by contacting the Belmore State Forest, C/O Jennings State Forest, 1337 Long Horn Road, Middleburg, FL 32068 or contacting Frank Burley at (904)291-5530.

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: Belmore State Forest, C/O Jennings State Forest, 1337 Long Horn Road, Middleburg, FL 32068 or contacting Frank Burley at (904)291-5530. 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.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Belmore State Forest Management Plan Advisory Group announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 21, 2008, 10:00 a.m.

PLACE: Penney Farms Town Hall, 4100 Clark Avenue, Penney Farms, FL 32079 (off of Highway 16)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Belmore Forest Management Plan Advisory Group to review comments from the public hearing of February 20, 2008, and provide recommendations to the DOF to help in preparation of a management plan for the Belmore State Forest.

Copies of a working draft of the plan and the management prospectus are available by contacting: Belmore State Forest, C/O Jennings State Forest, 1337 Long Horn Road, Middleburg, FL 32068 or contacting Frank Burley at (904)291-5530.

A copy of the agenda may be obtained by contacting: Belmore State Forest, C/O Jennings State Forest, 1337 Long Horn Road, Middleburg, FL 32068 or contacting Frank Burley at (904)291-5530.

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. 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 EDUCATION

The **Florida Education Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2008, 8:30 a.m. – 2:00 p.m. (Or upon adjournment)

PLACE: Florida Department of Education, Turlington Building, 325 W. Gaines Street, Suite 1706, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Foundation including but not limited to: Approval of minutes from October 3, 2007 meeting; executive director's report; Commissioner's report; program updates; financial report; and general discussion of Foundation.

A copy of the agenda may be obtained by contacting Tatiana Fernandez at (850)245-9671 (Voice).

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 the Office of Access and Equity at (850)245-9531 (Voice). 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 the Foundation office at (850)245-9671.

The **Charter School Appeal Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2008, 10:00 a.m. – until completion

PLACE: 325 W. Gaines Street, Conference Room 1703/07, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission Hearing will be hearing the Application Denial of Imagine Duval, LLC. vs. Duval County School Board and Pinecrest Academy vs. Orange County School Board.

A copy of the agenda may be obtained by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399 or by phone at (850)245-0502.

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: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399 or by phone at (850)245-0502. 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: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399 or by phone at (850)245-0502.

The **Education Practices Commission** announces a hearing to which all persons are invited.

A Teacher Hearing Panel

DATES AND TIME: January 24-25, 2008, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Residence Inn Tallahassee, 600 Gaines Street, Tallahassee, Florida 32304, (850)329-9080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

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 Kathleen M. Richards at (850)245-0455. 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: Janice Harris or Kathleen M. Richards at (850)245-0455.

The **University of South Florida Center for Urban Transportation Research** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 29, 2008, 1:30 p.m. – 3:30 p.m.

PLACE: CUTR Building, University of South Florida, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the CUTR Advisory Board.

A copy of the agenda may be obtained by contacting Carol Ericson at (813)974-3120.

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 Carol Ericson at (813)974-3120. 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).

There will be an initial “Art in State Buildings” orientation meeting for the **University of North Florida’s** Brooks College of Health Addition. The meeting will be held:

DATE AND TIME: Tuesday, January 29, 2008, 3:00 p.m.

PLACE: Dean’s Conference Room, Brooks College of Health Building

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to determine potential sites, discuss the medium of artwork for the Brooks College of Health Addition and establish a project schedule.

For additional information, contact Pam Niemczyk at (904)620-2810.

If you have a disability and require accommodations for these occasions, contact the UNF Disability Resource Center at (904)620-2769 or (904)620-2969 for TDD/TTY five days before the event to enable us to provide you with a reasonable accommodation.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** / HCD announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, January 22, 2008, 2:30 p.m. – 3:30 p.m.

PLACE: Department of Community Affairs, Kelley Training Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, Tele-conference Number: 1(888)808-6959, Conference Code: 9221867

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the Weatherization Assistance Program Administrative State Plan for FFY 2008, which will be submitted to the United States Department of Energy.

A copy of the agenda may be obtained by contacting: Department of Community Affairs, Mr. Norm Gempel, Manager at (850)488-7541 or at (850)488-2488.

For more information, you may contact Norm Gempel at (850)488-7541.

The **Florida Building Commission**, “the Commission” announces a public meeting to which all persons are invited.

DATES AND TIME: January 28-30, 2008, 8:00 a.m. – completion

PLACE: The Renaissance Resort World Golf Village, 500 South Legacy Trail, St. Augustine, Florida 32092, (904)940-8000

GENERAL SUBJECT MATTER TO BE CONSIDERED: January 28, 2008

- 8:00 a.m. Meeting of the Mitigation Workgroup.
- 9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Riverview High School, 1 Ram Way, Sarasota; FL-TLHO (Embarq) Office Building Remodel, 1313 Blair Stone Road, Tallahassee; Target Store T-816, 2650 NW Federal Highway, Stuart; Towncenter 12, 1820 Town Center Boulevard, Fleming Island; Epic Theatres Stadium 16 (Theatres 6 and 11) SR 207 and Rolling Hills Drive, St. Johns County; Epic Theatres Stadium (Theatres 6 and 11)13215 Steves Road, Clermont; Yeung’s Chinese Restaurant, 325 NE 71st Street, Miami Beach; Cobb 14 Theatres@Daytona“LIVE”, West International Speedway Boulevard, Daytona; 200 Brickell, S. W.

2nd Street and S. W. 1st Street, Fort Lauderdale; Miami River Building, 19 N. W. South River Drive, Miami; UUU High School for Hillsborough County School Board, Intersection of Gallagher Street and Newsome Road, Plant City.

- 1:00 p.m. Meeting of the Product Approval/Program Oversight Committee.
 - 1:00 p.m. Meeting of the Energy Technical Advisory Committee.
 - 3:00 p.m. Meeting of the Accessibility Technical Advisory Committee.
- January 29, 2008
- 8:00 a.m. Meeting of the Structural Technical Advisory Committee.
 - 10:00 a.m. Meeting of the Code Administration Technical Advisory Committee.
 - 10:00 a.m. Meeting of the Education Workgroup.
 - 1:00 p.m. Meeting of the Education Program Oversight Committee.
 - 1:00 p.m. Meeting of the Fire Technical Advisory Committee.
 - 2:30 p.m. Meeting of the Plenary Session of the Florida Building Commission.
- Review and approval of the Agenda.
- Review and approval of the December 11 and 12, 2007, Minutes and Facilitator’s Report.
- Chair’s Discussion of Issues and Recommendations.
- Review and Update of Commission Workplan
- Consideration of requests for waiver from accessibility code requirements: Riverview High School, 1 Ram Way, Sarasota; FL-TLHO (Embarq) Office Building Remodel, 1313 Blair Stone Road, Tallahassee; Target Store T-816, 2650 NW Federal Highway, Stuart; Towncenter 12, 1820 Town Center Boulevard, Fleming Island; Epic Theatres Stadium 16 (Theatres 6 and 11) SR 207 and Rolling Hills Drive, St. Johns County; Epic Theatres Stadium (Theatres 6 and 11)13215 Steves Road, Clermont; Yeung’s Chinese Restaurant, 325 NE 71st Street, Miami Beach; Cobb 14 Theatres@Daytona“LIVE”, West International Speedway Boulevard, Daytona; 200 Brickell, SW 2nd Street and S. W. 1st Street, Fort Lauderdale; Miami River Building, 19 N. W. South River Drive, Miami; UUU High School for Hillsborough County School Board, Intersection of Gallagher Street and Newsome Road, Plant City.
- Consideration of Applications for Product and Entity Approval.
- Consideration of Legal Issues and Petitions for Declaratory Statement

Binding Interpretations: Report(s) Only.
 Petition 31: Section 302.3.1 [The Petition was rejected because it was not heard by the local Board of Rules and Appeals.]
 DCA08-DEC-001 by Karen Kalman [Appeal of Binding Interpretation]
 Declaratory Statements:
 Second Hearing:
 DCA07-DEC-085 by Walter A. Tillet, Jr., P.E., of Tilteco, Inc.
 DCA07-DEC-179 by Alan Fallik, Interim City Attorney, City of Hollywood, Florida.
 DCA07-DEC-182 by Mark S. Speckin of SPX Cooling Technologies.
 DCA07-DEC-183 by Mark S. Speckin of SPX Cooling Technologies.
 DCA07-DEC-194 by Gary Swartz, E-Z Taping System, Inc.
 DCA07-DEC-252 by James DiPietro, Broward County Board of Rules and Appeals.
 First Hearing:
 DCA07-DEC-269 by Emil Veksenfeld, P.E.
 DCA07-DEC-290 by David Hudson, AIA, Artech Design Group, Inc.
 DCA08-DEC-002 by Scott Hampton, PE
 DCA08-DEC-004 by Karen Wallen Oliver, Wallen Service Corp.

Recess

January 30, 2008

8:30 a.m. Convene.

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Code Administration TAC Report; Energy TAC Report; Fire TAC Report; Structural TAC Report; Education POC and Education Workgroup Report; Product Approval/Prototype Buildings POC Report, Mitigation Workgroup Report.
 Rule Adoption Hearing on Chapter 9B-72, F.A.C., Product Approval.
 Rule Adoption Hearing on Chapter 9B-70, F.A.C., Education.
 DCA Energy Code Recommendations.
 Green Buildings Work Group Recommendations for Model Local Ordinance and Public Awareness Campaign.
 Discussion and Decisions on Recommendations to the 2008 Legislature.
 Commission Member Comments and Issues.
 General Public Comment.
 Review Committee Assignments and Issues for the March 17, 18 and 19, 2008 Commission Meeting.

Summary Review of Meeting Work Products.
 Adjourn.

January 31, 2008

1:00 p.m. Meeting of the Window/Wall Workgroup.

1:00 p.m. Meeting of the Hurricane Research Advisory Committee.

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824, Fax (850)414-8436 or go to the web site at www.floridabuilding.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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824 or Fax (850)414-8436. 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: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824, Fax (850)414-8436, or go to the web site at www.floridabuilding.org.

The **Department of Community Affairs** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 28, 2008, 1:00 p.m.

PLACE: Conference Number: 1(800)486-6931, Conference Code: 2566671, 200 W. College Avenue, Suite 214, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this call is to review the 120-day continuing education course updating language contained in paragraph 9B-70.002(3)(f), Florida Administrative Code, as requested by the Florida Building Commission, Education POC, in order to consider changes.

A copy of the agenda may be obtained by contacting: Mr. Mark Reddinger, Building A Safer Florida, Inc., 200 W. College Avenue, Suite 214, Tallahassee, FL 32301 or call (850)222-2772.

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 72 hours before the workshop/meeting by contacting: Mr. Mark Reddinger, Building A Safer Florida, Inc., 200 W. College Avenue, Suite 214, Tallahassee, FL 32301 or call (850)222-2772. 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: Mr. Mark Reddinger, Building A Safer Florida, Inc., 200 W. College Avenue, Suite 214, Tallahassee, FL 32301 or call (850)222-2772.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2008, 7:00 p.m.

PLACE: District Two, FDOT State Materials Lab, 5007 N. E. 39 Avenue, Gainesville, FL 32609

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FDOT has established a program to enhance the scenic and natural beauty of the Interstate Highway 75 corridor. This pilot program is intended to give visitors to the State a memorable impression of Florida and thereby encourage return visits. The 145 mile project corridor stretches along I-75 through north central Florida, from the Georgia border to the start of Florida's Turnpike.

We need your input!

On Tuesday, January 22, 2008, the FDOT in conjunction with their consultant, Keith and Schnars, P.A., will present the goals, objectives and scope of work for the concept plan – and we want your input and comments.

The presentation will begin at 7:00 p.m. Afterwards, members of the public are asked to share ideas and opinions, and if you'd like, speak one-on-one with the consultant team and Department officials in an informal setting.

Please don't miss this important opportunity to have your voice heard!

Directions from I-75, Take Exit 390 (SR-222/39th Ave.), Head East on SR-222/39th Ave., End at 5007 N. E. 39th Ave.

For more information, please contact Kim Giles at 1(800)488-1255.

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 1 day before the workshop/meeting by contacting: Kim Giles at 1(800)488-1255 or kgiles@keithandschnars.com. 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: Kim Giles at 1(800)488-1255 or kgiles@keithandschnars.com.

The **Tampa Bay Area Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 25, 2008, 9:30 a.m. – 12:00 Noon

PLACE: Pinellas Suncoast Transit Authority, Board Room, 3201 Scherer Drive, St. Petersburg, FL 33716

GENERAL SUBJECT MATTER TO BE CONSIDERED: The TBARTA Board is convening to discuss developing a comprehensive Regional Transportation Master Plan for Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee and Sarasota Counties.

Individuals requiring accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Ms. Lee Royal, FDOT District 7 Community Liaison Administrator at (813)975-6427 or 1(800)226-7220, at least seven (7) days prior to the meeting. Public participation is solicited without regard to race, color, religion, sex, age, nation origin, disability, or family status.

A copy of the agenda may be obtained by contacting Ms. Lee Royal or accessed online at: <http://www.tbarta.com/>.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

The **Florida Hurricane Catastrophe Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: January 31, 2008, 9:00 a.m. (ET) – conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Trustees of the State Board of Administration to provide for permission for the Florida Hurricane Catastrophe Fund to file the following rules for Notice of Proposed Rulemaking and to file these rules for adoption if no rule hearing is requested: Rule 19-8.010, F.A.C., Reimbursement Contract, Rule 19-8.012, F.A.C., Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure, 19-8.013, F.A.C., Revenue Bonds Issued Pursuant to Section 215.555(6), F.S., Rule 19-8.029, F.A.C., Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Responsibilities. In addition, the Trustees will address

other general business. All of the rules showing the proposed amendments and the incorporated forms are available on the Florida Hurricane Catastrophe Fund website: www.sbafla.com/hcfc.

For more information, you may contact: Tracy Allen, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1341.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 6, 2008, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

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 five days before the workshop/meeting by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450, (850)488-3417. 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: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450, (850)488-3417.

PUBLIC SERVICE COMMISSION

NOTICE OF AMENDMENT – The Florida **Public Service Commission** announces a change in the time of the public meeting in Docket No. 070416-WS, announced in the January 11, 2008 edition of the FAW. The new time of the public hearing is set forth below.

DATE AND TIME: Wednesday, February 13, 2008, 5:00 p.m. – 8:30 p.m.

PLACE: Poolside Room, Chain of Lakes Complex, 210 Cypress Gardens Blvd., West, Winter Haven, FL 33880

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service provided by Plantation Landings Ltd., the proposed wastewater rate increase in Polk County, and to ask questions and comment on other issues for Docket No. 070416-WS.

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this public meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Office of the Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 or at (850)413-6770. 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: Office of the Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 or at (850)413-6770.

The Florida **Public Service Commission** announces a customer meeting to which all persons are invited.

DATE AND TIME: Thursday, February 14, 2008, 5:00 p.m.

PLACE: Chain of Lakes Complex, 210 Cypress Gardens Blvd., Winter Haven, FL 33880

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 070414-WS – Application for staff-assisted rate case in Polk County by Hidden Cove, Ltd. The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the workshop.

Emergency Cancellation of Customer Meeting:

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

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 Office of Commission Clerk at (850)413-6770. 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: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

REGIONAL PLANNING COUNCILS

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 4, 2008, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed local Government Comprehensive Plan received prior to the meeting; Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments for North Miami Beach, Davie and Sunny Isles Beach; Proposed Local Government Comprehensive Plan Amendments for Cutler Bay and Miami-Dade County; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments for Hollywood; Adopted Local Government Comprehensive Plan Amendments for Cooper City, Florida City, Islamorada, North Miami, Oakland Park, Sunny Isles Beach and North Bay Village; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing to: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the subcommittees should call the council offices at (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council at (954)967-4152, ext. 40 (TDD) if you require additional information regarding the above meeting. If you require special accommodations because

of a disability or physical impairment, please contact the County at (954)985-4416, at least five calendar days prior to the meeting.

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, 8:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

For more information, you may contact Angela Giles at (904)279-0880.

The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, 9:00 a.m. (EST)

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

For more information, you may contact Angela Giles at (904)279-0880.

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, 10:00 a.m. (EST)

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

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 3 days before the workshop/meeting by contacting Angela Giles at (904)279-0880. 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 Angela Giles at (904)279-0880.

The **Northeast Florida Regional Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, immediately following the Board Meeting

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending legislative issues.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

For more information, you may contact Angela Giles at (904)279-0880.

The **Local Emergency Planning Committee**, District 6 announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 25, 2008, 10:00 a.m.

PLACE: ECFRPC Offices, 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Local Emergency Planning Committee (LEPC). Please note that the Training Committee will meet at 9:00 a.m.

A copy of the agenda may be obtained by contacting: April Raulerson or by visiting our web site at www.ecfrpc.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 24 hours before the workshop/meeting by contacting April Raulerson. 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).

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a public meeting of the Northeast Florida Regional Council – Water Summit. The Summit may be attended by one or more St. Johns River Water Management District Governing Board members, to which all persons are invited.

DATE AND TIME: Friday, January 25, 2008, 1:00 p.m.

PLACE: The St. Johns County Convention Center, World Golf Village, 500 South Legacy Trail, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Northeast Florida Regional Water Supply Summit: The Future of the St. Johns River. Agenda developed by Northeast Florida Regional Council.

A copy of the agenda may be obtained by contacting: Brian Teeple, Chief Executive Officer, Northeast Florida Regional Council at (904)279-0885, ext. 103.

The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

Projects and Land Committee Public Meeting

DATE AND TIME: Thursday, February 7, 2008, 6:00 p.m.

PLACE: Sweetwater Branch Inn, McKenzie Hall, 625 East University Avenue, Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of the Orange Creek Basin.

Projects and Land Committee Business Meeting

DATE AND TIME: Friday, February 8, 2008, 8:00 a.m.

PLACE: Sweetwater Branch Inn, McKenzie Hall, 625 East University Avenue, Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board. A tour of Paynes Prairie State Park, 100 Savannah Blvd., Gainesville, FL will follow the Business meeting.

NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time, and place set forth above, the Committee shall meet on Tuesday, February 12, 2008, 8:00 a.m. at District Headquarters, 4049

Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Missy McDermont, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4347, or by visiting the District's website at www.sjrwmd.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 48 hours before the workshop/meeting by contacting Missy McDermont at (386)329-4347. 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.

The St. Johns River Water Management District announces a workshop to which all persons are invited.

Governing Board Workshop

DATE AND TIME: Monday, February 11, 2008, 2:00 p.m.

PLACE: District Headquarters, Governing Board Room, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Informational workshop on the District's Core Missions, 1-3 Year Priorities, and Budget.

NOTE: One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, by phone, (386)329-4214, or by email, mhightower@sjrwmd.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 48 hours before the workshop/meeting by contacting the District Clerk at (386)329-4500. 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.

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, February 12, 2008:

- 8:15 a.m. Chair's Meeting
- 8:45 a.m. Finance, Administration and Audit Committee
- 10:00 a.m. Regulatory Committee
- 1:00 p.m. Governing Board Meeting, Public Hearing on Land Acquisition and Public Hearing on Florida Forever Work Plan.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget. NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4214, or by visiting the District's website at www.sjrwmd.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 48 hours before the workshop/meeting by contacting the District Clerk at (386)329-4500. 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.

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 12, 2008 following Committee Reports and Public Hearing on Land Acquisition at the Governing Board meeting which begins at 1:00 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public hearing to receive public testimony regarding the District's Florida Forever Work Plan Annual Update for the acquisition and management of lands funded by the Florida Forever Trust Fund pursuant to Section 373.139(3) and 373.199(7), Florida Statutes.

NOTE: One or more Governing Board members may attend and participate in the Public Hearing by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4214, or by visiting the District's website at www.sjrwmd.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 48 hours before the workshop/meeting by contacting the District Clerk at (386)329-4500. 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.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 29, 2008, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, AND PUBLIC HEARING: Conduct Committee meetings, Governing Board meeting and public hearing.

A closed attorney-client session will be held during the lunch break. Ad Order48863.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

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 the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. 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 the SWFWMD Executive Department at the address above.

The **Water Resources Advisory Commission** (WRAC) Issues Workshop Miami Dade Canal Drawdown announces a public meeting to which all persons are invited.

DATE AND TIME: January, 25, 2008, 9:00 a.m. – 3:00 p.m.

PLACE: Miami Dade County Cooperative Extension, 18710 S. W. 288 Street, Homestead, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding the seasonal drawdown of canals in South Miami Dade County. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

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: The District's Clerk Office, Jacki McGorty at (561)682-2087. 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 **Southwest Florida Water Management District** (SWFWMD), Water Conservation Stakeholder Group announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2008, 8:30 a.m.

PLACE: SFWMD Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hosted by the Water Resources Advisory Commission, the purpose of the Summit meeting is to bring together local, state and national experts along with a broad range of stakeholders to develop an enduring, comprehensive water conservation program for South Florida. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Reagan Walker at (561)682-6262 or online at www.sfwmd.gov.

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: The District's Clerk Office, Jacki McGorty at (561)682-2087. 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 Reagan Walker at (561)682-6262.

The Annual Meeting of the **Loxahatchee River Management Coordinating Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 28, 2008, 2:00 p.m.

PLACE: 805 North U.S. Highway One, Jupiter, Florida 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing to: South Florida Water Management District, Mail Stop 6880, 780 S. E. Indian Street, Stuart, Florida 34997. The annual field tour will be at Riverbend Park, Jupiter, Florida.

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 the District Clerk at (561)686-8800. 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: Gardenia Banks Long, in the Martin/St. Lucie Service Center, 780 S. E. Indian Street, Stuart, Florida 34997, (772)223-2600, ext. 3617.

The **Water Resources Advisory Commission (WRAC)** Lake Okeechobee Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: FWMD, Lower West Regional Service Center, 2301 MacGregor Blvd., Ft. Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding issues of the restoration and protection of Lake Okeechobee; and the Caloosahatchee and St. Lucie Estuaries. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

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: The District's Clerk Office, Jacki McGorty at (561)682-2087. 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 **South Florida Water Management District** announces a public meeting to which all persons are invited.

Audit and Finance Committee Meeting

DATE AND TIME: January 31, 2008, 9:00 a.m.

Project and Lands Committee Meeting

DATE AND TIME: January 31, 2008, Immediately following

Audit and Finance Committee Meeting

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33416. All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087 or https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=PORTAL.

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 the District Clerk's Office at (561)682-2087. 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 the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a telephone conference call to which all persons are invited.

Modeling Peer Review for the Kissimmee Basin Modeling and Operations Study (KBMOS)

DATE AND TIME: Thursday, January 31, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID Number 7413

DATE AND TIME: Thursday, February 7, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID Number 5458
 DATE AND TIME: Thursday, February 14, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID Number 1255
 DATE AND TIME: Thursday, February 21, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID Number 0062
 DATE AND TIME: Thursday, February 28, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID Number 3167
 DATE AND TIME: Thursday, March 6, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID Number 2305
 DATE AND TIME: Thursday, March 13, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID Number 9507
 DATE AND TIME: Thursday, March 20, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID Number 2852
 DATE AND TIME: Thursday, March 27, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID Number 0456
 PLACE: This is a teleconferenced meeting. You may call into the teleconference by dialing either of the following telephone numbers: (561)682-6700, 1(866)433-6299. You will be prompted to dial the meeting ID number associated with the meetings above. South Florida Water Management District, Building B-2, 2N Pine Island Sound Conference Room, 3301 Gun Club Rd., West Palm Beach, Florida 33406.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Florida Water Management District (District or SFWMD) has selected three experts to participate in a peer review panel to evaluate the Kissimmee Basin Hydrologic Assessment, Modeling and Operations Study (KB MOS) model and application to identify alternative structure operating criteria to meet the flood control, water supply, aquatic plant management, and natural resource operations objectives of the Upper and Lower Kissimmee Basin and its associated water resource projects. These teleconferenced meetings are a continuation of the peer review.

The agendas for the conference call meetings will be posted seven (7) days before the meeting and can be accessed at the KB MOS website link: https://my.sfwmd.gov/portal/page?_pageid=2294,4946313,2294_4947316:2294_11158145&_dad=portal&_schema=PORTAL.

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 Bridgett Tolley at (800)250-4250, ext. 3806. 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: District Clerk's office at (561)682-2087.

The South Florida Water Management District announces a public meeting to which all persons are invited.

Quarterly meeting of the Everglades Technical Oversight Committee (TOC)

DATE AND TIME: February 26, 2008, 10:00 a.m.

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website http://www.sfwmd.gov/org/ema/toc/draft_agenda.html or (2) by writing to the South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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 the District Clerk's Office at (561)682-2087. 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: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

AGENCY FOR HEALTH CARE ADMINISTRATION

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

DATE AND TIME: Tuesday, January 29, 2008, 10:00 a.m.
 PLACE: Agency for Health Care Administration, Conference Room A, 2727 Mahan Drive, Tallahassee, Florida. Any person interested in participating by telephone may dial (713)481-0090/Pass Code: 9701442#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the State Consumer Health Information and Policy Advisory Council Public Relations Technical Workgroup to which all interested parties are invited. The purpose is to conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by contacting: Cheryl Barfield, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at http://ahca.myflorida.com/SCHS/chistwg_pr.shtml 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: Cheryl Barfield at (850)414-5422. 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 Cheryl Barfield at (850)414-5422.

NOTICE OF CHANGE – The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2008, 10:00 a.m. – 4:00 p.m.
 PLACE: Tampa International Airport, Tampa Aviation Authority Board Room, 3rd Floor Main Terminal, 5503 West Spruce Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting date has been cancelled and rescheduled for January 30, 2008 at the following location: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827 (inside airport terminal).

A copy of the agenda may be obtained by contacting: Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, stephene@ahca.myflorida.com, with any questions.

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

DATE AND TIME: January 30, 2008, 10:00 a.m. – 4:00 p.m.
 PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827 (located inside the airport terminal). To participate by telephone, please dial 1(888)808-6959, Conference Code 4138067.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting: Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, stephene@ahca.myflorida.com, with any questions or to obtain an agenda when it is set.

For more information, you may contact: Edwin Stephens, (850)413-8067 or Suncom 294-8067, stephene@ahca.myflorida.com, with any questions or to obtain an agenda when it is set.

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

DATE AND TIME: February 1, 2008, 9:00 a.m. – 12:00 Noon
 PLACE: Agency for Health Care Administration, Conference Room C, 2727 Mahan Dr., Tallahassee, FL 32308. Those not able to attend in person may attend via conference phone by calling 1(888)808-6959, and entering Conference Code 8504101549.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Enhanced Benefits Panel will discuss issues related to the technical aspects of the Enhanced Benefits program, under Medicaid Reform.

A copy of the agenda may be obtained by contacting: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308, (850)488-3560.

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 Aldria White, at the address and phone number written above. 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 the Aldria White, at the address and phone number written above.

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

DATE AND TIME: February 6, 2008, 9:00 a.m. – 11:30 a.m.

PLACE: Crowne Plaza, 1201 Riverplace Boulevard, Jacksonville, Florida 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration will be hosting a discussion of the current Medicaid Reform program for Medicaid Reform behavioral health providers in Duval County. The panel will consist of members of the behavioral health care provider community and those of the health plan community. The specific topic will be Authorization and Claims Processing.

A copy of the agenda may be obtained by contacting: Josh Davis at davisjd@ahca.myflorida.com or by calling (850)488-3560.

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 Josh Davis at the e-mail address or phone number above. 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 Josh Davis at the e-mail address or phone number above.

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

DATE AND TIME: February 6, 2008, 1:00 p.m. – 3:30 p.m.

PLACE: Crowne Plaza, 1201 Riverplace Boulevard, Jacksonville, Florida 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration will be hosting a discussion of the current Medicaid Reform program for Medicaid Reform providers in Duval County. The panel will consist of members of the health care provider community and those of the health plan community. The specific topic will be Authorization and Claims Processing.

A copy of the agenda may be obtained by contacting: Josh Davis at davisjd@ahca.myflorida.com or by calling (850)488-3560.

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 Josh Davis at the e-mail address or phone number

above. 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 Josh Davis at the e-mail address or phone number above.

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

DATE AND TIME: February 7, 2008, 9:00 a.m. – 11:30 a.m.

PLACE: Hilton – Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, FL 33004, 1(954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration will be hosting a discussion of the current Medicaid Reform program for Medicaid Reform behavioral health providers in Broward County. The panel will consist of members of the behavioral health care provider community and those of the health plan community. The specific topic will be Authorization and Claims Processing.

A copy of the agenda may be obtained by contacting: Josh Davis at davisjd@ahca.myflorida.com or by calling (850)488-3560.

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: Josh Davis at the e-mail address or phone number above. 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 Josh Davis at the e-mail address or phone number above.

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

DATE AND TIME: February 7, 2008, 1:00 p.m. – 3:30 p.m.

PLACE: Hilton – Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, FL 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration will be hosting a discussion of the current Medicaid Reform program for Medicaid Reform providers in Broward County. The panel will consist of members of the health care provider community and those of the health plan community. The specific topic will be Authorization and Claims Processing.

A copy of the agenda may be obtained by contacting: Josh Davis at davisjd@ahca.myflorida.com or by calling (850)488-3560.

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 Josh Davis at the e-mail address and phone number written above. 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 Josh Davis at the e-mail address and phone number written above.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida E911**, Board Grant Committee announces a public meeting to which all persons are invited.

DATES AND TIMES: February 11, 2008, 2:00 p.m. – until conclusion of business; February 12, 2008, 9:00 a.m. – until conclusion of business; February 13, 2008, 9:00 a.m. – until conclusion of business

PLACE: Hilton Hotel, 350 South Northlake Boulevard, Orlando, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: E911 Grant Committee to meet to discuss issues related to the Special E911 Grant Program Applications.

A copy of the agenda may be obtained by contacting Penney Taylor at (850)414-9636.

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: DMS, Communications and Information Technology Services Office, E911 Board, 4050 Esplanade Way, Tallahassee, Florida 32399-0950. 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 **Agency for Workforce Innovation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 24, 2008, 5:00 p.m. – until 7:00 p.m. or until business is concluded

PLACE: SGA BOARD ROOM, University of Central Florida, Fairwinds Alumni Center, 4000 Central Florida Boulevard, Building 126, North Gemini Boulevard, Orlando, Florida 32816

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Business.

Materials will be available by January 17, 2008, on the CCEP website at www.ccep.bz. Call in number will be 1(888)808-6959, Conference Code: 9213167 (then press #).

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 1 day before the workshop/meeting by contacting: Natalie K. Sellars, Business Development Analyst, Child Care Executive Partnership, 107 E. Madison Street, MSC #140, Tallahassee, Florida 32399, (850)921-3137, or Fax

(850)921-3188. 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: Natalie K. Sellars, Business Development Analyst, Child Care Executive Partnership, 107 E. Madison Street, MSC #140, Tallahassee, Florida 32399, (850)921-3137, or Fax (850)921-3188.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Board of Cosmetology** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 28, 2008, 9:00 a.m. or soon thereafter

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, FL 32399-0790.

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: Department of Business and Professional Regulation, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, FL 32399-0790, (850)922-6096. 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.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2008, 10:00 a.m. or soon thereafter

PLACE: The Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

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 board office at (850)487-1395. 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: Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Board of Professional Engineers** announces a public meeting to which all persons are invited.

DATES AND TIME: February 20-21, 2008, 8:30 a.m.

PLACE: Embassy Suites Jacksonville, 9300 Baymeadows Road, Jacksonville, Florida 32256

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

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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 Carrie A. Flynn. 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 Carrie A. Flynn.

The Florida **Board of Professional Engineers**, Educational Advisory and Application Review Committees announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2008, 8:30 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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 Carrie A. Flynn. 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 Carrie A. Flynn.

The Florida **Board of Professional Engineers**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: March 13, 2008, 8:30 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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 Carrie A. Flynn. 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 Carrie A. Flynn.

The Florida **Board of Professional Engineers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 21, 2008, 10:00 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303 and by telephone 1(866)895-8146, Passcode 5210500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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 Carrie A. Flynn. 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 Carrie A. Flynn.

The Florida **Board of Professional Engineers** and the **Florida Engineers Management Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: April 15, 2008, 9:00 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303 and by telephone at 1(866)895-8146. Passcode 5210500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board Operations Committee to monitor the operations of the Florida Board of Professional Engineers and the Florida Engineers Management Corporation.

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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 Carrie A. Flynn. 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 Carrie A. Flynn.

The Florida **Board of Professional Engineers** announces a public meeting to which all persons are invited.

DATE AND TIME: May 14, 2008, 8:30 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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 Carrie A. Flynn. 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 Carrie A. Flynn.

The Florida **Board of Professional Engineers**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: May 15, 2008, 8:30 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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 Carrie A. Flynn. 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 Carrie A. Flynn.

The Florida **Board of Professional Engineers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 23, 2008, 10:00 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303 1(866)895-8146, Passcode 5210500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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 Carrie A. Flynn. 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 Carrie A. Flynn.

The **Florida Engineers Management Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: June 18, 2008, 9:00 a.m.

PLACE: Hyatt Regency Tampa, 211 North Tampa Street, Tampa, Florida

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

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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 Carrie A. Flynn. 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 Carrie A. Flynn.

The Florida **Board of Professional Engineers** announces a public meeting to which all persons are invited.

DATES AND TIME: June 18, 2008, 11:00 a.m.; June 19, 2008, 8:30 a.m.

PLACE: Hyatt Regency Tampa, 211 North Tampa Street, Tampa, Florida

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

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

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 Carrie A. Flynn. 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 Carrie A. Flynn.

The **Building Code Administrators and Inspectors Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 31, 2008, 10:00 a.m.

PLACE: 1(888)808-6959, Conference Code 4148135

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel, portions which may be closed to the public.

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 Building Code Administrators and Inspectors Board. 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.

The **Building Code Administrators and Inspectors Board** announces a public meeting to which all persons are invited.

DATES AND TIME: February 19-22, 2008, 9:00 a.m.

PLACE: Amelia Island Hampton Inn & Suites, 19 S. Second St., Fernandina Beach, FL 32034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings and regular Board business.

A copy of the agenda may be obtained by contacting: Building Code Administrators and Inspectors Board, 1940 N. Monroe Street, Tallahassee, FL 32399-2211.

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 Board office. 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.

The **Board of Accountancy** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2008, 11:00 a.m.

PLACE: Department of Business & Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Possible changes to Rule 61H1-33.003, F.A.C.

A copy of the agenda may be obtained by contacting June Carroll at (850)487-1395.

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: June Carroll, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607. 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: June Carroll, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The **Department of Environmental Protection**, Clean Boating Partnership announces a public meeting to which all persons are invited.

DATES AND TIMES: January 23, 2008, 8:30 a.m. – 4:30 p.m.; January 24, 2008, 8:30 a.m. – 12:00 Noon

PLACE: Hampton Inn & Suites Oceanside Resort, 95 Vilano Road, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: This first quarterly meeting for 2008 is to review discussion items and recommendations concerning the Department of Environmental Protection's Clean Marina and Clean Vessel Act Programs.

A copy of the agenda may be obtained by contacting: Brenda Leonard, Florida Department of Environmental Protection, Division of Law Enforcement, 3900 Commonwealth Blvd., MS 665, Tallahassee, FL 32399, (850)245-2847.

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 Brenda Leonard at (850)245-2847. 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 **Fisheating Creek Settlement Agreement Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 28, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: Fisheating Creek Campground, 7555 N. U.S. Highway 27, N. W., Palmdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct business of the Fisheating Creek Settlement Agreement Advisory Board relating to the management of the expanded Fisheating Creek corridor pursuant to a settlement agreement rendered by the Circuit Court, 20th Judicial District, Glades County, Florida (Case No. CA93-136).

To obtain additional information, please contact: Dr. Harris Friedman, 1255 Tom Coker Road, S. W., LaBelle, Florida 33935, (863)675-4138 or by email Harrisfriedman@floraglades.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 5 days before the workshop/meeting by contacting: Dr. Harris Friedman, 1255 Tom Coker Road, S. W. LaBelle, Florida 33935, (863)675-4138 or by email Harrisfriedman@floraglades.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).

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 29, 2008, 10:00 a.m. – 12:00 Noon or until business is completed

PLACE: Conference Call Number: 1(888)808-6959, Conference code: 2452095

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of a working group of the Florida Oceans and Coastal Council to discuss plans for Council participation in an existing forum or initiation of a Council sponsored forum.

A copy of the agenda may be obtained by contacting: Nicole Robinson at (850)245-2103, Nicole.Robinson@dep.state.fl.us. 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: Nicole Robinson at (850)245-2103, Nicole.Robinson@dep.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 **Environmental Regulation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2008, 10:00 a.m.

PLACE: Department of Environmental Protection, 3900 Commonwealth Blvd., Conference Room A, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A regularly scheduled meeting of the Environmental Regulation Commission will be held for the purpose of rule adoptions and briefings.

A copy of the agenda may be obtained by contacting: Nancy Mould at (850)245-2211, or by going to the DEP website at the following address: <http://www.dep.state.fl.us/legal/ERC>. The agenda will be available ten 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 Nancy Mould at (850)245-2211. 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 **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2008, 9:00 a.m. – 4:00 p.m. or until completion of business

PLACE: Room 412, Knott Building, The Florida Capitol Complex, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Governor's Action Team on Energy and Climate Change to continue discussion of policy issues regarding the development of a comprehensive Energy and

Climate Change Action Plan that will address statewide greenhouse gas reductions specified in Executive Order 07-127.

A copy of the agenda may be obtained by contacting: Florida Department of Environmental Protection, Attn: Stephen Adams (stephen.adams@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

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: Florida Department of Environmental Protection, Attn: Stephen Adams (stephen.adams@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002. 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: Florida Department of Environmental Protection, Attn: Stephen Adams (stephen.adams@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

The Florida **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a public meeting to which all persons are invited.

DATES AND TIMES: February 6, 2008, 1:00 p.m. – 5:00 p.m. or until business is completed; February 7, 2008, 8:00 a.m. – 3:00 p.m. or until business is completed

PLACE: Suwannee River Water Management District, Room 137, 9225 County Road 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Water Resources Monitoring Council is meeting to pursue their charges to coordinate and standardize monitoring in Florida waters and establish metadata standards for research and monitoring data.

A copy of the agenda may be obtained by contacting: Steve Wolfe at (850)245-2102 or Steven.Wolfe@dep.state.fl.us.

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: Steve Wolfe at (850)245-2102 or Steven.Wolfe@dep.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 Florida **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a workshop to which all persons are invited.

DATES AND TIMES: February 13, 2008, 12:30 p.m. – 5:00 p.m.; February 14, 2008, 8:30 a.m. – 5:00 p.m.

PLACE: Florida Department of Environmental Protection, Room 153, Carr Building, 3800 Commonwealth Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Program Managers' Workshop: A group of experts will make recommendations for the Integrated Data Management (IDM) system. This is one of a series of workshops carried out by the Florida Water Resources Monitoring Council in support of the Florida Oceans and Coastal Council's IDM program. The goal of the IDM program is improved storage, sharing and assessment of research and monitoring data.

A copy of the agenda may be obtained by contacting: Becky Panebianco at (850)245-2094, Becky.Panebianco@dep.state.fl.us.

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: Becky Panebianco at (850)245-2094, Becky.Panebianco@dep.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 **Acquisition and Restoration Council (ARC)**, as defined in Section 259.035, Florida Statutes, announces a public meeting to which all persons are invited.

Public Hearings:

DATES AND TIME: February 14, 2008; April 10, 2008; **May (Date and time TBA); June 12, 2008; August 14, 2008; October 9, 2008; **November (Date and Time TBA); December 11, 2008, 9:00 a.m. unless otherwise noted

Council Meetings:

DATES AND TIME: February 15, 2008; April 11, 2008; June 13, 2008; August 15, 2008; October 10, 2008; December 12, 2008, 9:00 a.m. unless otherwise noted.

July 1, 2008 is the deadline for the 2008 2nd Cycle Applications.

PLACE: Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, Florida (unless otherwise stated)

GENERAL SUBJECT MATTER TO BE CONSIDERED: for the purposes of conducting business of the Council, including the review of land acquisition proposals, management plans and proposed interim management uses of state-owned lands and to conduct other business of the Council.

A copy of the agenda may be obtained by contacting: Wanda Gleaton, Office of Environmental Services at (850)245-2784. or on the web at www.floridaforever.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 5 days before the workshop/meeting by contacting the Office of Environmental Services at (850)245-2784. 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: Wanda Gleaton in the Office Of Environmental Services at (850)245-2784.

The Florida **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a workshop to which all persons are invited.

DATES AND TIMES: February 20, 2008, 12:30 p.m. – 5:00 p.m.; February 21, 2008, 8:30 a.m. – 5:00 p.m.

PLACE: Florida Department of Environmental Protection, Conference Room A, 1st Floor, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: IT Expert/Managers' Workshop: A group of experts will make recommendations for the Integrated Data Management (IDM) system. This is one of a series of workshops carried out by the Florida Water Resources Monitoring Council in support of the Florida Oceans and Coastal Council's IDM program. The goal of the IDM program is improved storage, sharing and assessment of research and monitoring data.

A copy of the agenda may be obtained by contacting: Becky Panebianco at (850)245-2094, Becky.Panebianco@dep.state.fl.us.

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: Becky Panebianco at (850)245-2094, Becky.Panebianco@dep.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 Florida **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a workshop to which all persons are invited.

DATES AND TIMES: February 27, 2008, 12:30 p.m. – 5:00 p.m.; February 28, 2008, 8:30 a.m. – 5:00 p.m.

PLACE: Florida Department of Environmental Protection, Room 153, Carr Building, 3800 Commonwealth Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Power Users' Workshop: A group of experts will make recommendations for the Integrated Data Management (IDM)

system. This is one of a series of workshops carried out by the Florida Water Resources Monitoring Council in support of the Florida Oceans and Coastal Council's IDM program. The goal of the IDM program is improved storage, sharing and assessment of research and monitoring data.

A copy of the agenda may be obtained by contacting: Becky Panebianco at (850)245-2094, Becky.Panebianco@dep.state.fl.us.

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: Becky Panebianco at (850)245-2094, Becky.Panebianco@dep.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).

DEPARTMENT OF HEALTH

The **Board of Dentistry**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2008, 9:00 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

A copy of the agenda may be obtained by contacting: Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATE AND TIME: March 7, 2008, 8:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399.

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

Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at least a week in advance at (850)245-4474.

The **Board of Hearing Aid Specialists** announces a public meeting to which all persons are invited.

DATES AND TIMES: July 9, 2008, 3:00 p.m. (Reconsiderations); July 10, 2008, 9:00 a.m. (General Business)

PLACE: Plaza Resort and Spa, 600 North Atlantic Ave., Daytona Beach, FL 32118, (386)255-4471

GENERAL SUBJECT MATTER TO BE CONSIDERED: PCP with Reconsiderations and General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to meeting date.

The Probable Cause Panel of the Florida **Board of Massage Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 30, 2008, 1:00 p.m. or soon there after

PLACE: 1(888)808-6959, Conference Code 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1 (800)955-8771 (TDD).

The **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIMES: February 5, 2008, 3:00 p.m.; February 6, 2008, 8:00 a.m.

PLACE: The Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, C-04, Tallahassee, FL 32399 or (850)245-4292. The agenda will be available at www.doh.state.fl.us/mqa, one week 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 7 days before the workshop/meeting by contacting the Board of Pharmacy at (850)245-4292. 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.

The **Board of Pharmacy**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2008, 4:00 p.m. or immediately following the Board of Pharmacy meeting

PLACE: The Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will review Rule 64B16-27.420, F.A.C., Pharmacy Technician 2:1 or 3:1 Ratio.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, C-04, Tallahassee, FL 32399 or (850)245-4292.

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

DATES AND TIME: Every Thursday beginning March 13, 2008, through Thursday, June 5, 2008, 10:00 a.m.

PLACE: Conference Call Number 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the 2008 Legislative Session will be discussed.

For more information, you may contact the Board of Pharmacy at (850)245-4292.

The Florida **Department of Health, Board of Psychology** announces a public meeting to which all persons are invited.

DATE AND TIME: January 25, 2008, 9:00 a.m. or soon thereafter

PLACE: Renaissance Orlando Hotel, 5445 Forbes Place, Orlando, FL 32815, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255 or by calling the board office at (850)245-4373, ext. 3467.

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 board office at (850)488-0595. 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.

The **Board of Speech-Language Pathology and Audiology** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, February 7, 2008, 9:00 a.m. or soon thereafter

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology at (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Athletic Training** announces a public meeting to which all persons are invited.

DATE AND TIME: April 25, 2008, 9:00 a.m.

PLACE: Hilton Orlando / Altamonte Springs, 350 South North Lake Blvd., Altamonte Springs, FL 32715, (407)830-1985

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Board of Athletic Training, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399.

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

Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at least a week in advance at (850)245-4474.

The **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 31, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: Call-in Number: 1(888)808-6959, Code 2454144

GENERAL SUBJECT MATTER TO BE CONSIDERED: To identify objectives and obligations of the Florida Physician Workforce Ad Hoc Advisory Committee.

A copy of the agenda may be obtained by contacting: Jessica Rivenbark, Department of Health, 4052 Bald Cypress Way, Bin C-15, Tallahassee, Florida 32399-1735 or calling (850)245-4444, ext 2711.

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 Jessica Rivenbark at (850)245-4446, extension 2711. 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: Jessica Rivenbark, Department of Health, 4052 Bald Cypress Way, Bin C-15, Tallahassee, Florida 32399-1735 or calling (850)245-4444, ext 2711.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Circuit 10, announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 25, 2008, 9:30 a.m.

PLACE: Department of Children and Family Services, 1055 U.S. 17 North, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Chapter 39 Local Planning Team of the Office of Adoption and Child Protection.

A copy of the agenda may be obtained by contacting: Diane S. Dvorak, Department of Children and Family Services at (863)619-4100.

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: Diane S. Dvorak, Department of Children and Family Services at (863)619-4100. 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: Diane S. Dvorak, Department of Children and Family Services at (863)619-4100.

The **Department of Children and Family Services**, Circuit 10, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 6, 2008, 2:30 p.m. – 4:00 p.m.

PLACE: United Way of Central Florida, 5605 U.S. Hwy. 98 S., Highlands City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Heart of Florida Community Alliance.

A copy of the agenda may be obtained by contacting: Diane Dvorak, Department of Children and Family Services at (863)619-4100.

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: Diane Dvorak, Department of Children and Family Services at (863)619-4100. 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: Diane Dvorak, Department of Children and Family Services at (863)619-4100.

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

DATE AND TIME: Tuesday, January 22, 2008, 1:30 p.m.

PLACE: Department of Children and Family Services, Circuit 5 Headquarters, Conference Rooms 2002-2004, 1601 W. Gulf Atlantic Highway, Wildwood, FL 34785, (352)330-2162

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- Overview of the local child abuse prevention plan for 2005-2010 developed in 2004.
- Review the progress made in the implementation of this plan and results achieved to date.
- Begin work to update the local plan for the prevention of child abuse, abandonment and neglect and develop a local plan of action for the promotion and support of adoption.

A copy of the agenda may be obtained by contacting: Phillip Scarpelli, Department of Children and Family Services, Circuit 5 Community Relations Manager at (352)330-2162, extension 6150.

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: Phillip Scarpelli, Department of Children and Family Services, Circuit 5 Community Relations Manager at (352)330-2162, extension 6150. 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: Phillip Scarpelli, Department of Children and Family Services, Circuit 5 Community Relations Manager at (352)330-2162, extension 6150.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 25, 2008, 9:00 a.m. – until adjourned

PLACE: Hyatt Regency Tampa, 211 N. Tampa Street, Tampa, FL 32827. The meeting will also take place telephonically, and some Board Members may participate and vote telephonically. To participate by telephone: Call In Number: 1(888)808-6959, Conference Code: 4884197

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.

19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the January 25, 2008, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, approximately two days before the board meeting, or by visiting the Corporation's website at www.floridahousing.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 5 days before the workshop/meeting by contacting Sheila Freaney at (850)488-4197. 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.

The **Florida Housing Finance Corporation** announces a public meeting on Rules 67-57.001, Purpose and Intent; 67-57.005, Definitions; 67-57.010, Fees; 67-57.020, Notice of funding Availability (NOFA); 67-57.030, Membership Application Procedures; 67-57.040, Property Standards; 67-57.050, HOP Program Restrictions; 67-57.060, Eligible Homebuyer Requirements; 67-57.070, Homebuyer Loan Process; 67-57.080, HOME Regulations, F.A.C., to which all persons are invited.

DATE AND TIME: Friday, January 25, 2008, immediately following the Board of Directors Meeting which begins at 9:00 a.m.

PLACE: Hyatt Regency Tampa, 211 North Tampa Street, Tampa, FL 33602, (813)225-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this rule chapter is to establish procedures for the Homeownership Pool ("HOP") Program by which the Corporation shall administer the application process, determine loan amounts, service loans, and provide purchase assistance to eligible homebuyers under the HOME Investment Partnerships Program (HOME) and/or the Homeownership Assistance Program (HAP) as authorized by Section 420.5088 and Section 420.5089, F.S. and HUD regulations, 24 CFR § 92.

The public meeting will be held to receive comments and suggestions from interested persons.

A copy of the agenda may be obtained by contacting Cristal Baer at (850)488-4197.

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 Cristal Baer at (850)488-4197. 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).

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 22, 2008, 9:00 a.m. – 5:00 p.m.; January 23, 2008, 8:30 a.m. – 2:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission (FWC), Fish and Wildlife Research Institute (FWRI), Third Floor, Conference Rooms A & B, 100 8th Avenue, S.E., St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Develop interim rule language for the Marine Special Activity License Program rule (Chapter 68B-8, F.A.C.), in coordination with stakeholders to guide the health certification process for release activities for all marine organisms. Interim rule language will be expected to both address resource protection needs and provide flexibility for release activities to occur, and will serve as interim guidance until such time as the FWC may formally develop a health policy for release activities.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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 the ADA Coordinator at (850)488-6411. 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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

DEPARTMENT OF FINANCIAL SERVICES

The Florida **Department of Financial Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 30, 2008, 9:00 a.m. – 3:00 p.m.

PLACE: Saint Petersburg College EpiCenter, 13805 - 58 Street North, St. Petersburg, Florida 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Financial Literacy Council was created by the Florida Legislature in 2006 to provide a single state resource to the general public on financial literacy.

A copy of the agenda may be obtained by contacting: R. Jai Howard, Staff Director, Financial Literacy Council, Florida Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0302, (850)413-2836.

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 R. Jai Howard at (850)413-2836. 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 **Department of Financial Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 1, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: Citizens Training Center, 8301 Cypress Plaza Drive, Suite 108, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Task Force on Citizens Property Insurance Corporation Claims Handling and Resolution.

A copy of the agenda may be obtained by contacting our website; www.taskforceoncitizensclaimshandling.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 5 days before the workshop/meeting by contacting: Gloria Strickland at (850)413-2859 or e-mail gloria.strickland@fldfs.com. 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).

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: January 31, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-170.0155; Forms, Florida Administrative Code, published on November 21, 2007 in Vol. 33, No. 47, of the F.A.W. A notice of change was published on January 18, 2008 in Vol. 34, No. 03.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Michael Milnes at e-mail michael.milnes@fldfs.com. 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 FULL TEXT OF THE PROPOSED RULE IS:

69O-170.0155 Forms.

The following Forms are adopted and incorporated by reference

(1)(a) - (m) No change.

(n) OIR-B1-1809 “Health Care Provider Certification of Eligibility” (New 1/2008)

(2) No change.

Specific Authority 624.308(1), 627.711, 627.736 FS. Law Implemented 215.5586, 624.307(1), 624.424, 627.062, 627.0629, 627.0645, 627.711, 627.736 FS. History–New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, 12-26-06, 6-12-07, 7-17-07, 9-5-07, _____.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation**, Consumer Services Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2008, 10:30 a.m. – 12:00 Noon

PLACE: 8301 Cypress Plaza Dr., Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, business before the committee.

A copy of the agenda may be obtained by contacting Laura Miller at 1(800)807-7647, extension 3896.

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 Laura Miller at 1(800)807-7647, extension 3896. 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 Laura Miller at 1(800)807-7647, extension 3896.

The **Citizens Property Insurance Corporation**, Market Accountability Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2008, 1:00 p.m. – 2:00 p.m.

PLACE: 8301 Cypress Plaza Dr., Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, business before the committee.

A copy of the agenda may be obtained by contacting Laura Miller at 1(800)807-7647, extension 3896.

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 Laura Miller at 1(800)807-7647, extension 3896. 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 Laura Miller at 1(800)807-7647, extension 3896.

The **Citizens Property Insurance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2008, 4:30 p.m. (EDT)

PLACE: 8301 Cypress Plaza Drive, Suite 108, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Investment Committee Meeting. Items of discussion include, but are not limited to, Investment Reports and Action Results.

For additional information, please call Jill Booker at 1(800)807-7647, extension 8287.

Special Accommodations: In accordance with the Americans with Disabilities Act, people with disabilities or physical impairments who require assistance to participate in this meeting are requested to contact Jill Booker at least five days prior to the meeting.

FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **FWCJUA** Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 24, 2008, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items will include review of Committee’s duties; investment marketplace update; review of policies and guidelines for the investment of assets and associated matters; and compliance review of current investment portfolio.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA’s website, www.fwcjua.com.

COUNCIL OF COMMUNITY COLLEGE PRESIDENTS

The Florida **Council of Community College Presidents** announces a public meeting to which all persons are invited.

DATE AND TIME: January 24, 2008, 2:00 p.m. – 5:00 p.m.

PLACE: TCC Capitol Center, 300 W. Pensacola Street, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida's Public Community Colleges.

A copy of the agenda may be obtained by contacting: Tina Ingramm at tinghamm@facc.org.

For more information, you may contact: Michael Comins, CEO, Florida Association of Community Colleges, 113 East College Ave., Tallahassee, FL 32301.

SANTE FE COMMUNITY COLLEGE

The **Criminal Justice Standards and Training Commission**, Region IV Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 25, 2008, 10:00 a.m.

PLACE: Santa Fe Community College, Institute of Public Safety, 3737 N. E. 39th Avenue, Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of proposed CJST Region IV Training Trust Fund Budget for FY 2008-2009.

A copy of the agenda may be obtained by contacting: Director Daryl Johnston, Santa Fe Community College, Institute of Public Safety, 3737 N. E. 39th Avenue, Gainesville, FL 32609.

AREA AGENCY ON AGING OF PASCO-PINELLAS

The **Area Agency on Aging of Pasco-Pinellas** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2008, 9:30 a.m.

PLACE: 9887 4th Street, North, Suite 100, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas Business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Elizabeth Laubach, 9887 4th Street, North, Suite 100, St. Petersburg, Florida, (727)570-9696.

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 3 days before the workshop/meeting. 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.

INDEPENDENT COLLEGES AND UNIVERSITIES OF FLORIDA

The **Florida Higher Educational Facilities Financing Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 28, 2008, 1:00 p.m. – 2:30 p.m.

PLACE: Conference Call: 1(800)371-8200, Access Code 361174. If you are unable to call into the meeting you may participate by going to the Anne and Alfred Goldstein Center, Conference Room, Second Floor, 2700 North Tamiami Trail, Sarasota, Florida 34234 (campus of Ringling College of Art and Design)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss consideration of adjustments to Jacksonville University Series 2006 bond issue, consideration of potential Ringling College of Art and Design Series 2008 bond issue project, and to conduct regular board business.

A copy of the agenda may be obtained by contacting: Jennifer Mock, Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188. 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: Jennifer Mock at (850)681-3188 or jmock@icuf.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).

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 29, 2008, 5:30 p.m.

PLACE: Center for Independent Living in Central Florida, Inc., 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz, Human Resources Director, (407)623-1070 or e-mail: lkutz@cilorlando.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 5 days before the workshop/meeting by

contacting: 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: Luana Kutz, Human Resources Director, (407)623-1070 or e-mail: lkutz@cilorlando.org.

FLORIDA PORTS COUNCILS

The **Florida Ports Financing Commission (FPFC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 30, 2008, 1:30 p.m. – 3:30 p.m.

PLACE: TCC Capitol Center at the Mary Brogan Museum of Art and Science, 300 West Pensacola Street, Tallahassee, FL 32301, (850)201-7662

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

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 24 hours before the workshop/meeting by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028. 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: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

The **Florida Seaport Transportation and Economic Development Council (FSTED)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, January 30, 2008, 3:45 p.m. – 5:45 p.m.; Thursday, January 31, 2008, 8:30 a.m. – 10:30 a.m.

PLACE: TCC Capitol Center at the Mary Brogan Museum of Art and Science, 300 West Pensacola Street, Tallahassee, FL 32301, (850)201-7662

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

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 24 hours before the workshop/meeting by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson

Street, Tallahassee, FL 32301, (850)222-8028. 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: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

STATEWIDE GUARDIAN AD LITEM OFFICE

The **Statewide Guardian ad Litem Office** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 31, 2008, 10:30 a.m. – 11:30 a.m.

PLACE: The Alexander Building, Room 1217, 2020 Capital Circle, S.E., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of coordinated strategies for recruitment of volunteers to advocate for abused, abandoned, and neglected children.

A copy of the agenda may be obtained by contacting Kelly Razzano at (850)922-7213.

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 Kelly Razzano at (850)922-7213. 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: Kelly Razzano at (850)922-7213.

FLORIDA HEALTH INSURANCE ADVISORY BOARD

The **Florida Health Insurance Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2008, 9:00 a.m. – 2:00 p.m.

PLACE: City Hall, 100 North Andrews Avenue, Fort Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will hear reports and conduct general business of the organization.

A copy of the agenda may be obtained by faxing a request to (850)422-3737.

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 faxing a

request to (850)422-3737. 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).

FLORIDA SUBSTANCE ABUSE AND MENTAL HEALTH CORPORATION

The **Florida Substance Abuse and Mental Health Corporation** announces a public meeting to which all persons are invited.

DATES AND TIME: February 4, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Doubletree Hotel, 101 S. Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Substance Abuse and Mental Health Corporation, created by Chapter 2003 Laws of Florida, Announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2008, 9:00 a.m. – 12:00 Noon

PLACE: Doubletree Hotel, 101 S. Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Directors' report, Corporation Annual Report.

A copy of the agenda may be obtained by contacting: linda@samhcorp.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 7 days before the workshop/meeting by contacting Linda Rayner at (850)410-1575. 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 linda@samhcorp.org.

FLORIDA INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a telephone conference call to which all persons are invited.

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, February 7, 2008, 1:30 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Thursday, February 14, 2008, 1:30 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Evaluation Committee Meeting

DATE AND TIME: Thursday, February 14, 2008, 2:30 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting
 DATE AND TIME: Thursday, March 6, 2008, 1:30 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Planning Committee Meeting
 DATE AND TIME: Thursday, March 13, 2008, 1:30 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Evaluation Committee Meeting
 DATE AND TIME: Thursday, March 13, 2008, 2:30 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Finance Committee Meeting
 DATE AND TIME: Thursday, March 20, 2008, 1:30 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Executive Committee Meeting
 DATE AND TIME: Thursday, March 27, 2008, 2:30 p.m. (EST)
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.
 COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.
 A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free 1(877)822-1993.

The Florida Independent Living Council, Inc. announces a public meeting to which all persons are invited.
 Meeting: Full Council Meeting and Youth Senate
 DATE AND TIME: Wednesday, Thursday, Friday, February 20-22, 2008, 9:00 a.m.
 PLACE: Wingate by Wyndham Hotel, 2516 W Lake Shore Drive, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.
 COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and

times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.
 A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free 1(877)822-1993.
 Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105).
 Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

The Florida Independent Living Council, Inc. announces a telephone conference call to which all persons are invited.
 MEETING: Planning Committee and Network of Centers Meeting
 DATE AND TIME: Wednesday, February 20, 2008, 2:30 p.m.
 PLACE: Call in Number: 1(866)365-4406, Code: 575-6004#
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.
 COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.
 A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free 1(877)822-1993.
 Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or

commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION, INC.

The Investment Committee of the **Florida Workers' Compensation Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2008, 2:00 p.m. (EST)

PLACE: via Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Investment Committee.

A copy of the agenda may be obtained by contacting Cathy Irvin at (850)386-9200.

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. 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).

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

The **First Florida Governmental Financing Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 8, 2008, 11:00 a.m.

PLACE: Conference Room 430, Broward County Governmental Center, 115 South Andrews Blvd., Fort Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Richard C. Dowdy, Program Administrator at (850)878-1874.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from Thomas F. Pepe, Esquire, on behalf of Karen Kalman regarding whether section 1010 of the Florida Building Code, Building Volume (2004 as amended 12/05, 12/06 and 12/07) applies to a private pier and pedestrian ramp walkway that is permanently attached to the pier, that were constructed in 1984 without a building permit. It has been assigned the number DCA08-DEC-001.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from Scott Hampton, P.E. regarding whether section 1609.1.4 of the Florida Building Code, Building Volume (2004 as amended 12/05, 12/06 and 12/07) requires adequate separation of non-porous storm shutters from the underlying glazing to prevent glass breakage due to missile impacts on the storm shutter and storm shutter contact with the glass, outside the High Velocity Hurricane Zone. It has been assigned the number DCA08-DEC-002.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. William G. Graney, Jr. P.E., on behalf of KTD Consulting Engineers on August 15, 2008. The following is a summary of the agency's disposition of the petition: It was assigned the number DCA07-DEC-159. The Commission determined that section 905.1 #2, Florida Building Code, Building Volume (2004 as amended) requires the installation of standpipes inside a four story town home, but that section 104.11, F.B.C. (2004 as amended) allows recognition of equivalent and alternative means of construction by a building official. The Declaratory Statement was issued on January 7, 2008.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Robert Cochell on behalf of Gulf Coast Air Systems, Inc. on September 10, 2007. The following is a summary of the agency's disposition of the petition:

The Declaratory Statement was issued on January 7, 2008. The Commission determined that 13-607.1.ABC.3.1.1, Florida Building Code, Building Volume (2004 as amended) allows replacement of an inoperative outdoor compressor in a residential air conditioning and/or heat pump system without also replacing the indoor components of the system, as long as there is verification of equipment efficiency to demonstrate compliance with U.S. Department of Energy certification requirements. It was assigned the number DCA07-DEC-172.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Joseph Belcher, on behalf of the International Hurricane Protection Association on September 11, 2007. The following is a summary of the agency's disposition of the petition:

The Declaratory Statement was issued on January 7, 2008. The Commission determined that Chapter 9B-72, Florida Administrative Code, allows a company that produces shutter components to apply for and obtain approval of a product or construction system which requires fabrication or assembly prior to installation by designated authorized user members, and can act on behalf of the designated authorized users to apply for and obtain approval of a product or construction system which requires fabrication or assembly prior to installation, and to serve as the product approval holder for such designated authorized users, provided that specific inventory control and quality assurance measures are ensured. It was assigned the number DCA07-DEC-181.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from Kevin

Humes regarding whether the Petitioner's line of proprietary mixtures containing recycled fly-ash, wood and steel that may be used in place of concrete, lumber, adobe and stone to form wall panels, foundation walls, sub-floor grids, and other building components, are within the scope of Chapter 9B-72, F.A.C. It has been assigned the number DCA07-DEC-276.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from David Hudson, AIA, of Artech Design Group, Inc., on behalf of the Hammock Landing/West Melbourne, LLC, regarding whether an anchor store that is under separate ownership but connected to other stores in a shopping center is a separate building for the purpose of measuring fire separation distance and application of the unlimited building area exception, pursuant to section 507.2, Florida Building Code, Building Volume (2004 as amended 12/05, 12/06 and 12/07). It has been assigned the number DCA07-DEC-290.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Department of Business and Professional Regulation, Division of Land Sales, Condominiums and Mobile Homes has declined to rule on the petition for declaratory statement filed by Stonewater Condo. Association, Inc. (2007049451) on August 27, 2007. The following is a summary of the agency's declination of the petition:

Denied because it seeks agency opinion on hypothetical questions and not on an application of a statute, rule or order under Section 120.565, Florida Statutes.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: J. Sue Richardson, Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1220.

NOTICE IS HEREBY GIVEN THAT the Department of Business and Professional Regulation, Division of Land Sales, Condominiums and Mobile Homes has declined to rule on the petition for declaratory statement filed by Lake Clarke Gardens Condo., Inc. (2007059017) on October 18, 2007. The following is a summary of the agency's declination of the petition:

Denied because it requested an opinion on actions that had already occurred and the parties disputed the facts, which dispute may not be resolved in this proceeding.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: J. Sue Richardson, Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT the Department of Business and Professional Regulation, Division of Land Sales, Condominiums and Mobile Homes, has issued an order disposing of the petition for declaratory statement filed by the Deauville Hotel Resort Condo. (2007061086) on November 2, 2007. The following is a summary of the agency's disposition of the petition:

Denied because the units in Deauville are used solely for transient occupancy, cannot be used as a permanent residence, and unit owners are restricted to use their unit only as a hotel unit; therefore, Deauville does not meet the definition of "residential condominium" in Section 718.103(23), Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: J. Sue Richardson, Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Rick and Christine H. Irizarry, Unit Owners, In RE: Laguna Pointe

Condominium Association of Pensacola, Inc., Docket No. 2008000543. The petition seeks the agency's opinion as to the applicability of Chapter 718, F.S., and Rule 61B-23.002, F.A.C., as it applies to the petitioner.

Whether tape recordings of board meetings made on the Secretary's personal recorder are official records of the association once the minutes have been reduced to writing and approved by the board at a later meeting under Section 718.111(12), Florida Statutes, and subparagraph 61B-23.002(7)(b)3., Florida Administrative Code.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Maison Grande Condominium Association, Inc.; Docket Number 2007067873. The petition seeks the agency's opinion as to the applicability of Chapter 617, Florida Statutes, as it applies to the petitioner.

Whether a director may rescind his resignation from the board and retain his seat under Section 617.0807, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Opal Towers Condominium Association, Inc.; Docket Number 2007067884. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, as it applies to the petitioner.

Whether Opal Towers Condominium Association, Inc. may assess unit owners for common expenses on an equal basis under the declaration or in accordance with Section 718.104(4)(f) and (g), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Florida Department of Business and Professional Regulation, Division of Land Sales, Condominiums and Mobile Homes has received the petition for declaratory statement from Frederic G. Schaub, Salida del Sol, LLC.; Docket Number 2007067913. The petition seeks the agency’s opinion as to the applicability of paragraph 61B-17.005(3)(b), F.A.C., as it applies to the petitioner.

Whether a buyer is entitled to a refund of his deposit from condominium developer under paragraph 61B-17.005(3)(b), Florida Administrative Code.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Medicine has issued a Final Order on the petition for declaratory statement filed on behalf of Jacksonville Heart Center, P.A., (“Jax Heart”), on September 11, 2007. The Notice of the

Petition was published in Vol. 33, No. 38, of the September 21, 2007, F.A.W. The Board reviewed the Petition at its meeting held on October 6, 2007. The Board’s Final Order, filed in this matter on December 19, 2007, finds that because the services to be provided at the Petitioner’s Sleep Center will not be provided under the direct supervision of Jax Heart, Petitioner’s proposed referral of patients to its Sleep Center is precluded by Section 458.053(5), Florida Statutes.

A copy of the Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE OF BID/REQUEST FOR PROPOSAL

NOTICE TO CONSTRUCTION MANAGEMENT FIRMS
OFFICE OF FACILITIES DESIGN AND CONSTRUCTION
Duval County Public Schools Request for Qualifications (RFQ) FOR: Construction Management Services The Office of Facilities Design and Construction announces that Construction Management services are required for the following project:

Project Title: Conversion of Existing Darnell Cookman Middle School No. 145 into a School of Medical Arts for Grades 6-12/DCSB Project No. C-91160/Project Location: 1701 Davis Street, N., Jacksonville, FL 32209.

RFQ's ARE DUE ON OR BEFORE February 19, 2008 AND WILL BE ACCEPTED UNTIL 4:30 p.m. The selected Construction Manager will provide preconstruction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase. All payments made under this contract and/or payment made under Sales Tax Exemption purchases (Direct Purchases) may be made via Electronic Payment via credit card or direct check at the District's sole option. Scope of Work: Construction management services for a new 500 student station high school wing, renovations of cafeteria, existing science labs, locker rooms and other various spaces including but not limited to Administration, bus and parent pick-up and athletic area with a construction budget not to exceed \$16,840,000. The Total Project budget is \$20,000,000; however, DCPS has received appropriations totaling only \$12,265,000 in 2007/2008. Additional appropriations in the amount of \$7,735,000 is expected in 2008/2009. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including but not limited to experience and ability, financial capability, record keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control ability, qualifications of firm's personnel, staff and consultants, and distance from the construction site. The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids and proposals for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. All firms submitting proposals shall be required to submit both a Pre-Qualification Application and a separate proposal package. Duval County Public Schools will evaluate both pre-qualification applications and proposals. Firms who are not approved as a pre-qualified bidder will not be

considered for award. Prequalification forms and information may be obtained at www.dreamsbeginahere.org under About DCPS, DCPS Departments, Facilities Design and Construction Services, Forms and Standards, General Documents. Proposal information for Award Selection may be obtained at www.dreamsbeginahere.org under About DCPS, DCPS Departments, Facilities Design and Construction Services, Selection Booklets, Selection of the Construction Manager. Applications are to be sent to: Facilities Design and Construction, 1701 Prudential Drive, 5th Floor, Jacksonville, FL 32207-8182. PROJECT MANAGER: Tony Gimenez, (904)390-2279. MBE GOALS: 20% Overall.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

METROPOLITAN PLANNING ORGANIZATIONS

REQUEST FOR PROPOSALS TO PROFESSIONAL CONSULTANTS – SARASOTA/MANATEE METROPOLITAN PLANNING ORGANIZATION

The Sarasota/Manatee Metropolitan Planning Organization (MPO) in conjunction with the Florida Department of Transportation (FDOT) request that qualified consultants submit Proposals for consideration in the competitive selection of professional transportation planning services on the following project:

PROJECT: GENERAL PLANNING CONSULTANTS (GPC)
The MPO requires the services of one or more Consultants to provide production support to the MPO transportation planning activities set forth in the Unified Planning Work Program (UPWP). The length of contract is three (3) years. The work involves providing assistance to the MPO staff on a work assignment basis in a variety of technical, graphical, public involvement and product review activities. The Consultant(s) shall assist the MPO staff by providing additional resources to accomplish assignments authorized by the MPO. The Scope of Services outlines tasks that may be assigned to Consultant(s) under one or more general planning Consultant contracts. Consideration will be given to only those firms that have been prequalified by the FDOT to perform the indicated MAJOR Type(s) of Work.

MAJOR TYPE OF WORK:

- 3.00 Systems Planning
- 4.00 Data Collection
- 5.00 Regional Planning
- 6.00 Public Involvement

TO RESPOND: Firms, qualified to conduct business in the State of Florida, are asked to submit ten copies of the Proposal to the MPO office and 2 copies to the FDOT office by 4:30 p.m. (EST), Friday, February 1, 2008. The outside of the envelope containing the Proposal must be marked "PROPOSAL TO PROVIDE GENERAL PLANNING CONSULTANT SERVICES TO THE SARASOTA/MANATEE MPO". The MPO will accept no responsibility for proposals not so marked. Proposals are to remain in effect for 90 calendar days from the date of submission. The MPO reserves the right to reject any and all proposals.

Requests for clarification of the requirements or inquiries about information contained in the RFP package must be submitted to Bob Herrington at bherrington@sarasota-manateempo.org by 4:30 p.m. (EST), January 25, 2008. Responses to all questions will be posted at one time by 4:30 p.m., January 29, 2008, on the MPO webpage at www.sarasota-manateempo.org.

The complete Request for Proposals (RFP) packet can be obtained from the MPO website, www.sarasota-manateempo.org or from the MPO Office address listed below.

Mail ten copies to the MPO:
 Bob Herrington
 Sarasota/Manatee MPO
 7632 15th Street, East
 Sarasota, FL 34243
 email: bherrington@sarasota-manateempo.org
 Phone: (941)359-5772

Mail two copies to FDOT:
 Frank Meares
 The Florida Department of
 Transportation
 Post Office Box 1249
 Bartow, FL 33830-1249
 email: Frank.Meares@dot.state.fl.us
 Phone: 1(800)292-3368

WATER MANAGEMENT DISTRICTS

REQUEST FOR PROPOSALS 07/08-014 LM

GOVERNOR GEORGE F. DREW MANSION AND CEMETERY – ARCHAEOLOGICAL INVESTIGATION

The Suwannee River Water Management District (District) is conducting a Request for Proposals (RFP) from incorporated professional cultural resource firms or independent registered professional archaeologists for the cultural and historical resource assessment of Governor George F. Drew Mansion and Cemetery in Madison County, Florida. The project shall include archaeological investigation of the ruins and associated cemetery at the site of the Governor George F. Drew mansion to include: (1) archaeological testing, (2) documentation of the extant ruins, (3) cemetery preservation, (4) historical research for report and exhibits, and (5) recommendations for future work and National Register eligibility determination.

PROPOSED SCHEDULE

- January 18, 2008 Release of Request for Proposal (RFP)
- February 11, 2008 Request for Proposals due prior to 1:00 p.m. at District Headquarters in Live Oak. Opening will occur at this time.*
- February 18, 2008 Selection of Short Listed Firms at 9:00 a.m. at District Headquarters in Live Oak.*
- March 11, 2008 Governing Board Approval of Selected Firm at 9:00 a.m. at District Headquarters.*
- March 12, 2008 Anticipated start date.
- May 12, 2008 Draft report due
- June 30, 2008 Completion date

*Denotes a public meeting.

Additional information and request packages may be obtained by logging on to www.mysuwanneeriver.com or contacting Edwin McCook, Public Use Coordinator at (386)362-1001.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO CONSULTANTS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, letters of interest from architectural / engineering firms or individuals desiring to render professional services for the following project:

NORTH TERMINAL MASTER CIVIL ENGINEER
 TAMPA INTERNATIONAL AIRPORT
 HCAA PROJECT NO. 8020 09 & 8500 09

Under this agreement the firm will be required to perform all airport and roadway engineering design related to the north terminal conceptual design and the stormwater site development and demolition project. Scope of engineering services will include civil, environmental, structural, electrical, utilities, drainage and site development design, roadway, bridge and tunnel design, related surveys, materials testing, geotechnical engineering and basic engineering services. A more detailed scope of services will be included in the formal request for proposals (RFP).

Significant Dates:

Letters of interest due: NLT 5:00 p.m., on Thursday, January 24, 2008
 RFP posted on web site: After 12:00 Noon, on Friday, February 1, 2008
 Mandatory pre-proposal conference: At 2:00 p.m., on Friday, February 15, 2008
 Proposal Due: By 5:00 p.m., on Wednesday, March 5, 2008

For additional information on submitting letters of interest, location of meeting and other project details, go to the Authority website at www.tampaairport.com; Quick Links, Airport Business, RFP/RFQ Information. The RFP will be posted on the Authority website after 12:00 Noon, on Friday, February 1, 2008.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ness Motorcycles, LLC, intends to allow the establishment of Fort Lauderdale Harley-Davidson, Inc., as a dealership for the sale of motorcycles manufactured by Ness Motorcycles, Inc. (NESS) at 2871 North Federal Highway, Fort Lauderdale (Broward County), Florida 33306, on or after December 31, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Fort Lauderdale Harley-Davidson, Inc. are dealer operator(s): Bruce Rossmeyer, 2871 North Federal Highway, Fort Lauderdale, Florida 33306; principal investor(s): Bruce Rossmeyer, 2871 North Federal Highway, Fort Lauderdale, Florida 33306.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jon Gold, Ness Motorcycles, LLC, 6050 Dublin Boulevard, Dublin, California 94568.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JH Global Services, Inc., intends to allow the establishment of Golf Cart Connection, Inc., as a dealership for the sale of Star Neighborhood electric vehicles (STAR) at 1220 Camp Avenue, Mount Dora (Lake County), Florida 32757, on or after November 14, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Golf Cart Connection, Inc. are dealer operator(s): Jason Levy, 1220 Camp Avenue, Mount Dora, Florida 32757; principal investor(s): Jason Levy, 1220 Camp Avenue, Mount Dora, Florida 32757, Les Levy, 1220 Camp Avenue, Mount Dora, Florida 32757 and Judy Levy, 1220 Camp Avenue, Mount Dora, Florida 32757.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jane Zhang, CEO, JH Global Services, Inc., 52 Pelham Davis Circle, Greenville, South Carolina 29615.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JH Global Services, Inc., intends to allow the establishment of Golf Cart Connection, Inc., as a dealership for the sale of Star Neighborhood electric vehicles (STAR) at 17860 Southeast 109th Avenue, Summerfield (Marion County), Florida 34491, on or after January 4, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Golf Cart Connection, Inc. are dealer operator(s): Jason Levy, 17860 Southeast 109th Avenue, Summerfield, Florida 34491; principal investor(s): Jason Levy, 17860 Southeast 109th Avenue, Summerfield, Florida 34491, Les Levy, 17860 Southeast 109th Avenue, Summerfield, Florida 34491 and Judy Levy, 17860 Southeast 109th Avenue, Summerfield, Florida 34491.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jane Zhang, CEO, JH Global Services, Inc., 52 Pelham Davis Circle, Greenville, South Carolina 29615.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ness Motorcycles, LLC, intends to allow the establishment of Daytona Custom Cycle, LLC, as a dealership for the sale of motorcycles manufactured by Ness Motorcycles, Inc. (NESS) at 1647 North U.S. Highway 1, Ormond Beach (Volusia County), Florida 32174, on or after December 31, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Daytona Custom Cycle, LLC are dealer operator(s): Bruce Rossmeyer, 1647 North U.S. Highway 1, Ormond Beach, Florida 32174; principal investor(s): Bruce Rossmeyer, 1647 North U.S. Highway 1, Ormond Beach, Florida 32174.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jon Gold, Ness Motorcycles, LLC, 6050 Dublin Boulevard, Dublin, California 94568.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that CF MOTO Powersports, intends to allow the establishment of Izzy Custom Vehicle, Inc. d/b/a Anton Motorsport Toys, as a dealership for the sale of motorcycles

manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 10173 Hwy. 441 North, Okeechobee (Okeechobee County), Florida 34972, on or after January 8, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Izzy Custom Vehicle, Inc. d/b/a Anton Motorsport Toys are dealer operator(s): Anton Gonzalez, 10173 Highway 441 North, Okeechobee, Florida 34972; principal investor(s): Anton Gonzalez, 10173 Highway 441 North, Okeechobee, Florida 34972.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ivan Escalante, CF MOTO Powersports, 3555 Holly Lane North, #30, Plymouth, Minnesota 55447.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hidria USA, Inc., intends to allow the establishment of John T. Faulkner d/b/a Faulkner Motorsports, as a dealership for the sale of Tomos motorcycles (TOMO) at 4237 U.S. Highway 19, New Port Richey (Pasco County), Florida 34652, on or after January 4, 2008.

The name and address of the dealer operator(s) and principal investor(s) of John T. Faulkner d/b/a Faulkner Motorsports are dealer operator(s): John T. Faulkner, 9841

Lema Court, New Port Richey, Florida 34655; principal investor(s): John T. Faulkner, 9841 Lema Court, New Port Richey, Florida 34655.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Douglas V. Joseph, Tomos USA, a Division of Hidria USA, Inc., 202 Beechtree Boulevard, Greenville, South Carolina 29605.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Panther Motors, Inc., intends to allow the establishment of Scooters Plus, LLC, as a dealership for the sale of Panther motorcycles (PANT) at 1725 Southeast Canova Street, Palm Bay (Brevard County), Florida 32909, on or after February 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooters Plus, LLC are dealer operator(s): Martin Ernest, 1725 Southeast Canova Street, Palm Bay, Florida 32909; principal investor(s): Martin Ernest, 825 Northeast Tavernier Circle, Palm Bay, Florida 32905.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Dominick Livoti, President, Panther Motors, Inc., 1418 Southeast 12 Avenue, Deerfield Beach, Florida 33441.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE OF FILING OF APPLICATION FOR POWER PLANT CERTIFICATION

On December 6, 2007, the Department of Environmental Protection received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes, concerning Florida Power and Light Company, West County Unit 3, Power Plant Siting Application No. 05-47SA1, OGC Case No. 07-2198. The Department is reviewing the application to allow for an approximate 1600 MW expansion of its existing 2200 MW West County power plant located in Palm Beach County.

A copy of the application for certification is available for review in the office of Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida

32399-2400, (850)245-8002. Pursuant to Section 403.507, F.S., and Chapter 62-17, Florida Administrative Code, statutory parties to the site certification proceeding should review the application and submit their reports and recommendations. In the future, a proposed certification hearing date will be announced. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the Water Management District, the Department of Environmental Protection, the Regional Planning Council, the local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S. as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty, to protect the environment, personal health, or other biological values, to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups, or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with the Administrative Law Judge assigned to the case by the Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, prior to 30 days before the date of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. Pursuant to Section 403.508(6), F.S., if all parties to the

proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, the certification hearing may be cancelled.

**NOTICE OF RECEIPT OF APPLICATIONS FOR PERMIT
COVERAGE UNDER THE GENERIC PERMIT FOR
STORMWATER DISCHARGE FROM PHASE II
MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

The Department announces the receipt of the below listed applications for permit coverage under the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4). The applications are being processed and are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Science Applications International Corporation (SAIC), 2343 Hansen Lane, Tallahassee, Florida 32301, phone number (850)523-1449. Any comments related to the noticed applications or objections to the use of the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice.

Phase II MS4 applications received December 18, 2007 – January 8, 2008

1. Sewall's Point – FLR04E044
2. Holly Hill – FLR04E060
3. St. Johns County – FLR04E025
4. Florida Department of Transportation Turnpike Enterprise – FLR04E049
5. City of Destin – FLR04E034
6. Town of Indian River Shores – FLR04E009
7. Osceola County – FLR04E012
8. Hurlburt Field – FLR04E002
9. Arbor Greene Community Development District – FLR04E082
10. Tampa Palms Community Development District – FLR04E070
11. City of Vero Beach – FLR04E010
12. Hernando County – FLR04E040
13. Eglin Air Force Base – FLR04E007
14. City of Ocala – FLR04E046
15. MacDill Air Force Base – FLR04E059

Comments may be mailed to the following address:

Steven Kelly
NPDES Stormwater Section
2600 Blair Stone Road, MS #2500
Tallahassee, Florida 32399-2400

DEPARTMENT OF HEALTH

On January 4, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of John A. Curtis, L.M.T., license number MA 19250. This Emergency Suspension Order was predicated upon the Secretary'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. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 2, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Wesley Meyers, D.D.S., license number DN 5261. This Emergency Suspension Order was predicated upon the Secretary'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. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 2, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Linda S. Hoffman, A.R.N.P., license number AN 812932. This Emergency Suspension Order was predicated upon the Secretary'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. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 2, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Armesha J. Oliver, C.N.A., license number CNA 59266. This Emergency Suspension Order was predicated upon the Secretary'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. The Secretary

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

On January 4, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Jami Cato, C.N.A., license number CNA 129384. This Emergency Suspension Order was predicated upon the Secretary’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. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 7, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Kelly Ann Byington, C.N.A., license number CNA 0040572. This Emergency Suspension Order was predicated upon the Secretary’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. The Secretary 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

**HOUSING CREDIT PROGRAM
NOTICE OF CREDIT AVAILABILITY (NOCA)
2008 CYCLE**

The Florida Housing Finance Corporation (Florida Housing) announces an application cycle for the Housing Credit Program. The total 2008 allocation authority is estimated to be approximately \$36,179,776.00. The amount of housing credit allocation authority available for the 2008 cycle will vary based upon the 2008 per capita population figures, the amount of unused credits from prior years, the amount of binding commitments for 2008 credits, the amount allocated from the national pool, and any 2009 forward allocation. The current amount of the binding commitments for 2008 credits is estimated to be \$6,382,194.62; however, this dollar amount is subject to change. Geographic and targeting goals along with any set-asides will be described in the Qualified Allocation Plan approved by the Governor.

For more information on opening and closing dates of the application cycle, or on how to obtain an Application, please access Florida Housing’s web site at www.floridahousing.org or contact Blake Carson-Poston at (850)488-4197. The Universal Application Package, when available, may be obtained at the Florida Housing web site or by submitting a written request accompanied by a \$50 application package fee to: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Blake Carson-Poston – Application Request. If you are hearing or speech impaired please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 or 1(800)955-8771.

All applications must be submitted to the above address in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., the Universal Application Package, and Internal Revenue Code, Section 42.

**HOME INVESTMENT PARTNERSHIPS PROGRAM
(HOME) – NOTICE OF FUNDING AVAILABILITY (NOFA)
2008 HOME RENTAL CYCLE**

The Florida Housing Finance Corporation (“Florida Housing”) announces a funding cycle for the HOME Rental Program’s allocation of 2008 HOME federal funds from the U.S. Department of Housing and Urban Development (HUD). Based on current estimates, Florida Housing estimates that approximately \$8,000,000 in federal HOME funding for 2008 will be available to eligible rental developments that meet application funding criteria. Funding will be awarded in accordance with Rule Chapter 67-48, F.A.C.

All applications must be submitted to: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., the Universal Application Package, and Federal Regulations 24 CFR Part 92.

For more information on opening and closing dates of the application cycle, or on how to obtain an application, please access Florida Housing’s web site at www.floridahousing.org or contact Blake Carson at (850)488-4197. The Universal Application Package, when available, may be obtained at the Florida Housing web site or by submitting a written request accompanied by a \$50 application package fee to: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Blake Carson – Application request. 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.

STATE APARTMENT INCENTIVE LOAN (SAIL)
PROGRAM – CYCLE XX (2008) & SPECIAL
GEOGRAPHIC DISTRIBUTION

NOTICE OF FUNDING AVAILABILITY (NOFA)

The Florida Housing Finance Corporation (Florida Housing) announces a funding cycle (Cycle XX) for the State Apartment Incentive Loan (SAIL) Program, pursuant to Section 420.5087, Florida Statutes, and Chapter 67-48, Florida Administrative Code (F.A.C.).

In accordance with Section 420.5087(1), Florida Statutes, program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very low-income housing throughout the state. The need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the beginning of each 3-year period. The percentages over the current 3-year period are as follows: 56% for Large County; 34% for Medium County; and 10% for Small County designation developments. This funding cycle is the first year of a 3-year period. Funding cannot be made at levels that would make it impossible to meet the statutory requirements over the 3-year period.

In accordance with Section 420.5087(3), Florida Statutes, for the six-month period beginning with the publication of this NOFA, program funds shall also be reserved by designated tenant group category at the percentages determined by using the most recent statewide low-income rental housing market studies available.

Program funds shall be distributed during this funding cycle at the following percentages per tenant group: 10% for Commercial Fishing Worker/Farmworker; 7% for Homeless; 24% for Elderly [Note: This amount is subject to a 10% reduction of the 24% set-aside amount, with the funds being made available to applicants for the Elderly Housing Community Loan Program]; and 59% for Family. The reservation of funds to any demographic category may not be

less than 10% of the funds available at that time, except for persons who are homeless which reservation may not be less than 5% of the funds available.

Florida Housing currently anticipates the allocation of approximately \$50,000,000 for Cycle XX (associated with funds collected in fiscal year 2007-2008) from funding sources as estimated below:

\$46,400,000 = DOC Stamp

\$3,600,000 = SAIL Fund

Geographic distribution will be set based upon an anticipated funding level of \$50,000,000 for Cycle XX. This amount is subject to change and is dependent upon documentary stamp tax collections and/or projections and receipts within the SAIL fund. The anticipated geographic funding distribution is as follows:

COUNTY DESIGNATION	FUNDING TARGET
Large	\$28,000,000
Medium	\$17,000,000
Small	\$5,000,000

For more information on opening and closing dates of the application cycle, or on how to obtain an Application, please access Florida Housing’s Website at www.floridahousing.org or contact Blake Carson at (850)488-4197. The Universal Application Package, when available, may be obtained at the Florida Housing web site or by submitting a written request accompanied by a \$50 application package fee to: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Blake Carson – Application Request. If you are hearing or speech impaired please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 or 1(800)955-8771.

All applications must be submitted to: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., and the application package.

DEPARTMENT OF FINANCIAL SERVICES

CASE NO.: 2007-CA-1761

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2007-CA-1761

In Re: The Receivership of SUNCOAST PHYSICIANS
HEALTH PLAN, INC., a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND
CLAIMANTS HAVING BUSINESS WITH SUNCOAST
PHYSICIANS HEALTH PLAN, INC.

You are hereby notified that by order of the Circuit Court of the
Second Judicial Circuit, in and for Leon County, Florida,
entered the 10th day of August, 2007, the Department of
Financial Services of the State of Florida was appointed as
Receiver of SUNCOAST PHYSICIANS HEALTH PLAN,
INC. and was ordered to liquidate the assets located in Florida
of said company.

Policyholders, claimants, creditors, and other persons in this
State having claims against the assets of SUNCOAST
PHYSICIANS HEALTH PLAN, INC., shall present such
claims to the Receiver on or before 11:59 p.m. on Monday,
August 11, 2008, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and
inquiries concerning this Receivership should be addressed to:

The Division of Rehabilitation and Liquidation of the Florida
Department of Financial Services, Receiver for SUNCOAST
PHYSICIANS HEALTHPLAN, INC., Post Office Box 110,
Tallahassee, Florida 32302-0110. Additional information may
be found at the following Internet site: [www.floridainsurance
receiver.org](http://www.floridainsurance
receiver.org).

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN December 31, 2007
 and January 4, 2008

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE
Division of Library and Information Services

1B-2.011	1/4/08	1/24/08	33/38	33/50
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

5B-58.001	1/4/08	1/24/08	33/44	
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DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-7.0042	12/31/07	1/20/08	33/22	33/46
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DEPARTMENT OF TRANSPORTATION

14-22.0011	1/3/08	1/23/08	33/42	
14-22.002	1/3/08	1/23/08	33/42	33/49
14-22.006	1/3/08	1/23/08	33/42	33/49
14-22.009	1/3/08	1/23/08	33/42	
14-22.012	1/3/08	1/23/08	33/42	
14-22.0121	1/3/08	1/23/08	33/42	
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14-46.001	1/4/08	1/24/08	33/43	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

61-5.005	1/4/08	1/24/08	33/44	33/49
61-6.001	1/4/08	1/24/08	33/44	

DEPARTMENT OF HEALTH

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

64B4-22.110	1/4/08	1/24/08	33/30	33/49
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Division of Environmental Health and Statewide Programs

64E-12.001	12/31/07	1/20/08	33/36	
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64E-12.003	12/31/07	1/20/08	33/36	33/46
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64E-12.011	12/31/07	1/20/08	33/36	33/46
64E-12.012	12/31/07	1/20/08	33/36	33/46
64E-12.013	12/31/07	1/20/08	33/36	

DEPARTMENT OF FINANCIAL SERVICES

Funeral and Cemetery Services

69K-1.001	1/4/08	1/24/08	33/24	33/49
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