

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
5M-12.001	Purpose
5M-12.002	Definitions
5M-12.003	Presumption of Compliance
5M-12.004	Eligible Agricultural Operations
5M-12.005	Plan Development and Revision
5M-12.006	Notice of Intent to Implement
5M-12.007	Record Keeping

**PURPOSE AND EFFECT:** The purpose of this notice is to initiate the development of a statewide rule that will allow animal operations, multi-commodity operations within areas where Best Management Practices (BMPs) are required by statute, and agricultural commodities for which the Florida Department of Agriculture and Consumer Services (Department) has not adopted a BMP manual to implement approved conservation plans containing practices that have been verified to be effective by the Florida Department of Environmental Protection. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

**SUBJECT AREA TO BE ADDRESSED:** The proposed statewide rule will define eligible agricultural operations, address the development of practices that protect water resources, describe the procedure for filing a Notice of Intent, and list associated recordkeeping requirements necessary for producers to receive a presumption of compliance with state water quality standards.

**RULEMAKING AUTHORITY:** 403.067(7)(c)2., 3., 403.067(13)(b), 570.07(23) FS.

**LAW IMPLEMENTED:** 403.067(7)(c)2., 3., 403.067(13)(b) 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:** Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

**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**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
33-602.201	Inmate Property

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend Rule 33-602.201, F.A.C., regarding religious property or materials which adhere to the tenets of particular religions.

**SUBJECT AREA TO BE ADDRESSED:** Inmate property.

**RULEMAKING 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, IF AVAILABLE, IS:** Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
40D-1.107	Basins

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 40D-1.107, F.A.C., is to merge the District's Northwest Hillsborough Basin into the Hillsborough River Basin. The Hillsborough River Basin will be re-defined to include the area formerly within the Northwest Hillsborough River Basin. The effect will be to reduce expenditures and duplication of work.

**SUBJECT AREA TO BE ADDRESSED:** Watershed Basins.

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

**LAW IMPLEMENTED:** 373.0693 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:** Karen

West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.010  
 RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan in accordance with Senate Bill 8A, from the January 2009 Special Session, which created Section 409.908(2), Florida Statutes as follows:

Effective April 1, 2009, there is imposed upon each nursing home facility a quality assessment. The aggregated amount of assessments for all nursing home facilities in a given year shall be an amount not exceeding 5.5 percent of the total aggregate net patient service revenue of assessed facilities. The agency shall calculate the quality assessment rate annually on a per-resident-day basis, exclusive of those resident days funded by the Medicare program, as reported by the facilities. The per-resident-day assessment rate shall be uniform except as prescribed in subsection (3). Each facility shall report monthly to the agency its total number of resident days, exclusive of Medicare Part A resident days, and shall remit an amount equal to the assessment rate times the reported number of days. The agency shall collect, and each facility shall pay, the quality assessment each month. The agency shall collect the assessment from nursing home facility providers by no later than the 15th of the next succeeding calendar month. The agency shall notify providers of the quality assessment and provide a standardized form to complete and submit with payments. The collection of the nursing home facility quality assessment shall commence no sooner than 5 days after the agency's initial payment of the Medicaid rates containing the elements prescribed in subsection (4). Nursing home facilities may not create a separate line-item charge for the purpose of passing through the assessment to residents.

(3)(a) The following nursing home facility providers are exempt from the quality assessment:

1. Nursing home facilities that are licensed under part II of chapter 400 and located on the campus of continuing care retirement communities operating pursuant to a certificate of authority under chapter 651;
2. Nursing home facilities that have 45 or fewer beds; and
3. The skilled nursing facility units of acute care hospitals licensed by the agency under chapter 395.

(b) The agency may apply a lower quality assessment rate to high-volume Medicaid nursing facilities. The agency shall apply the lower rate to the fewest number of such facilities necessary to meet federal Medicaid waiver requirements.

(c) The agency may apply a lower quality assessment rate to high-patient-volume nursing facilities. The agency shall apply the lower rate to the fewest number of such facilities necessary to meet federal Medicaid waiver requirements.

(4) The purpose of the nursing home facility quality assessment is to ensure continued quality of care. Collected assessment funds shall be used to obtain federal financial participation through the Medicaid program to make Medicaid payments for nursing home facility services up to the amount of nursing home facility Medicaid rates as calculated in accordance with the approved Medicaid state plan in effect on December 31, 2007. The quality assessment and federal matching funds shall be used exclusively for the following purposes and in the following order of priority:

- (a) To reimburse the Medicaid share of the quality assessment as a pass-through, Medicaid-allowable cost;
  - (b) To increase to each nursing home facility's Medicaid rate, as needed, an amount that restores the rate reductions implemented January 1, 2008, and January 1, 2009;
  - (c) To increase to each nursing home facility's Medicaid rate, as needed, an amount that restores any rate reductions for the 2008-2009 fiscal year; and
  - (d) To increase each nursing home facility's Medicaid rate that accounts for the portion of the total assessment not included in paragraphs (a)-(c) which begins a phase-in to a pricing model for the operating cost component.
- (5) The agency shall seek necessary federal approval in the form of waivers and state plan amendments in order to implement the provisions of this section.

(6) The quality assessment shall terminate and the agency shall discontinue the imposition, assessment, and collection of the nursing facility quality assessment if any of the following occur:

- (a) The agency does not obtain necessary federal approval for the nursing home facility quality assessment or the payment rates required by subsection (4); or
- (b) The weighted average Medicaid rate paid to nursing home facilities is reduced below the weighted average Medicaid rate to nursing home facilities in effect on December 31, 2008, plus any future annual amount of the quality assessment and the applicable matching federal funds.

Upon termination of the quality assessment, all collected assessment revenues, less any amounts expended by the agency, shall be returned on a pro rata basis to the nursing facilities that paid them.

(7) The agency may seek any of the following remedies for failure of any nursing home facility provider to pay its assessment timely:

(a) Withholding any medical assistance reimbursement payments until such time as the assessment amount is recovered;

(b) Suspension or revocation of the nursing home facility license; and

(c) Imposition of a fine of up to \$1,000 per day for each delinquent payment, not to exceed the amount of the assessment.

SUBJECT AREA TO BE ADDRESSED: April 1, 2009 nursing home quality assessment.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.9082 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: April 15, 2009, 9:00 a.m. – 10:00 a.m.

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759 or by e-mail at stephene@ahca.myflorida.com

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

**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.:	RULE TITLE:
64B3-3.001	General Requirements of Clinical Laboratory Personnel Training Programs

PURPOSE AND EFFECT: The purpose of this amendment is to incorporate: (1) a new form to be utilized by applicants seeking approval to be clinical laboratory personnel training programs; (2) a new form for the self study document required of clinical laboratory personnel training programs; and (3) a new form for reporting a trainee's status change.

SUBJECT AREA TO BE ADDRESSED: (1) The form utilized by applicants seeking approval to be clinical laboratory personnel training programs; (2) the self study document form for clinical laboratory training programs; and (3) the form for providing notice of a trainee's status change.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 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 Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:	RULE TITLE:
64B3-4.001	Trainee Registration

PURPOSE AND EFFECT: The purpose of this amendment is to: (1) incorporate a new form to be utilized by applicants for trainee registration; (2) move the language setting forth the requirements imposed on trainees and trainee applicants; (3) incorporate a new form to be utilized for requesting an extension of trainee registration; and (4) amend the language governing the circumstances under which a trainee registration may be extended beyond its expiration date.

SUBJECT AREA TO BE ADDRESSED: (1) The form utilized by applicants for trainee registration; (2) the requirements imposed on trainees and trainee applicants; (3) the form for requesting an extension of trainee registration; and (4) the circumstances justifying an extension of trainee registration beyond the expiration date.

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2), (3), (4), 483.825 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 Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64B3-5.002	Supervisor
64B3-5.003	Technologist
64B3-5.004	Technician
64B3-5.007	Director; Limitations and Qualifications
64B3-5.008	Public Health Laboratory Personnel

**PURPOSE AND EFFECT:** The Board proposes to review the majority of this Chapter in order to ensure that all rules conform with existing statutory requirements and to determine if amendments are necessary to address any matters concerning the profession of clinical laboratory personnel.

**SUBJECT AREA TO BE ADDRESSED:** (1) The application form for those seeking licensure as a Public Health Laboratory Scientist; (2) the requirement that those seeking licensure as a Clinical Laboratory Director complete a course on the prevention of medical errors; (3) the requirements for those seeking licensure as a Public Health Laboratory Scientist; (4) specialties for technicians; and (5) requiring as a condition of initial licensure that an applicant complete an educational course on the human deficiency virus and acquired immune deficiency syndrome.

**RULEMAKING AUTHORITY:** 483.805(4), 483.811(2), 483.823 FS.

**LAW IMPLEMENTED:** 381.0034(3), 483.800, 483.809, 483.811(2), 483.812, 483.815, 483.823, 483.824 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 Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64B3-6.001	Manner of Application
64B3-6.002	Documentation for Licensure

**PURPOSE AND EFFECT:** The purpose of this notice is to amend Rule 64B3-6.001, F.A.C., in order to: (1) incorporate an amended version of an application form; and (2) set forth a more precise statutory citation which makes the disclosure of social security numbers mandatory. This notice is also intended

to amend Rule 64B3-6.002, F.A.C., in order to clarify the type of supporting documentation that must be submitted with licensure applications.

**SUBJECT AREA TO BE ADDRESSED:** (1) the application form for those seeking to be licensed as a Clinical Laboratory Personnel Director, Supervisor, Technologist, or Technician; (2) the statutory citations which mandate the disclosure of social security numbers; and (3) the supporting documentation that must be submitted with licensure applications.

**RULEMAKING AUTHORITY:** 483.805(4) FS.

**LAW IMPLEMENTED:** 456.013, 483.815, 483.823 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 Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B3-9.0035	Additional Specialty Fee

**PURPOSE AND EFFECT:** The purpose of this new rule is to impose a \$25.00 fee on those clinical laboratory personnel licensees seeking to add a specialty to an existing license.

**SUBJECT AREA TO BE ADDRESSED:** The fee associated with a request to add a specialty to an existing license.

**RULEMAKING AUTHORITY:** 456.025(3), 483.805(4), 483.807(1) FS.

**LAW IMPLEMENTED:** 456.025, 483.807(1) FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE 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 Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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



Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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 Home Administrators**

RULE NO.: 64B10-16.005  
 RULE TITLE: Domains of Practice, Objectives, Reports

PURPOSE AND EFFECT: The Board proposes to review and propose modifications regarding the requirements and reports of the Administrator-in-Training Program.

SUBJECT AREA TO BE ADDRESSED: Requirements and reports of the Administrator-in-Training program.

RULEMAKING AUTHORITY: 468.1685(1), 468.1695(3), (4) FS.

LAW IMPLEMENTED: 468.1695(3), (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 Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-9.002  
 RULE TITLE: Re-Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt the Re-Examination Application and to provide the form number and the website address where the form can be downloaded.

SUBJECT AREA TO BE ADDRESSED: Re-examination application form.

RULEMAKING AUTHORITY: 456.017(2), 484.005 FS.

LAW IMPLEMENTED: 456.017(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: 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-14.002  
 RULE TITLE: Application for Board Certification and Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt the Board Certification Form and to provide the form number and website address where the form can be downloaded.

SUBJECT AREA TO BE ADDRESSED: Application for Board certification and renewal.

RULEMAKING AUTHORITY: 484.002(6), 484.005(1) FS.

LAW IMPLEMENTED: 484.002(6), 484.005(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-18.002  
 RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The purpose of the amendment is to correct the maximum permitted concentration of olopatadine.

SUBJECT AREA TO BE ADDRESSED: Formulary of Topical Ocular Pharmaceutical Agents.

RULEMAKING AUTHORITY: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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 Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (5) No change.
- (6) ANTIHISTAMINES, MAST CELL STABILIZERS AND ANTI-ALLERGY AGENTS
  - (a) through (b) No change.
  - (c) Olopatadine HCl – 0.2% ~~0.1%~~;
  - (d) through (g) No change.
  - (7) through (9) No change.

Rulemaking Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History—New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-27.797  
 RULE TITLE: Standards of Practice for Compounding Sterile Preparations (CSPs)

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: Standards of Practice for Compounding Sterile Preparations – (CSPs).

RULEMAKING AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.005, 465.0155, 465.022 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-3.001	Licensure as a Physical Therapist by Examination
64B17-3.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-3.003	Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendments for incorporation of new forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of new forms.

RULEMAKING AUTHORITY: 456.017, 486.025, 486.031(3), 486.051, 486.081 FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051, 486.081 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-4.001	Licensure as a Physical Therapist Assistant by Examination
64B17-4.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-4.003	Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendments for incorporation of new forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of new forms.

RULEMAKING AUTHORITY: 456.017(1)(b), 486.025, 486.102, 486.104 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104, 486.107(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-7.0027  
RULE TITLE: Procedure for Compliance with Board Ordered Laws and Rules Exam

PURPOSE AND EFFECT: The Board proposes the rule amendment for incorporation of new forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of new forms.

RULEMAKING AUTHORITY: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-9.001  
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment for incorporation of new forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of new forms.

RULEMAKING AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.: 64E-12.004, 64E-12.005  
RULE TITLES: Food Service: Tiers and Catering Housing

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to incorporate technical and food safety requirements to promote the protection of the public from a safety, health, and sanitation perspective. The effect of these changes will be to update the department's rules to more accurately reflect today's focus on community based care operational standards and make the rules more easily understandable for the regulated community and regulatory officials. Additionally, the purpose of the proposed changes is to clarify identified standards in the existing rule as requested by the regulated community and regulatory officials. Effects of these changes will provide added clarity to existing rule language.

SUBJECT AREA TO BE ADDRESSED: The changes will clarify requirements in statute and rule that have been identified as confusing or ambiguous, as well as incorporate current food safety and lighting requirements that maintain and safeguard the public against illnesses, injury, and disease.

RULEMAKING AUTHORITY: 381.006 FS.

LAW IMPLEMENTED: 381.006(6), (16) 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: Robin



Eychaner or Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710; (850)245-4277

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 Worker’s Compensation**

RULE NO.: 69L-6.025  
 RULE TITLES: Conditional Release of Stop Work Order and Periodic Payment Agreement

**PURPOSE AND EFFECT:** The proposed rule amendment clarifies guidelines and procedures by which employers subject to stop-work orders for having failed to comply with the coverage requirements of Chapter 440, F.S., and are no longer failing to secure the payment the payment of compensation within the meaning of Section 440.107, F.S., may satisfy the Department that they have come into compliance with Chapter 440, F.S. The amendment provides new language which outlines the terms and conditions under which an employer qualifies to enter into a new Payment Agreement Schedule For Periodic Payment of Penalty. The amendment deletes the requirement that subject employers file probationary periodic reports with the Department and amends Form DFS-F4-1601 (Monthly Payment Installment Invoice) to reflect this change. The proposed amendment also renumbers the rule to reflect the new language. The effect of proposed rule amendment is to extend the payment agreement over a greater time horizon to those employers having demonstrated ongoing compliance with the terms and conditions of the Department’s periodic payment agreement and to streamline the rule’s administration.

**SUBJECT AREA TO BE ADDRESSED:** Clarifies terms, conditions, and criteria by which employers qualify to reenter into a periodic payment of penalty agreements with the Department. Also, deletes the requirement that subject employers file probationary periodic reports with the Department.

**RULEMAKING AUTHORITY:** 440.107(9), 440.591 FS.

**LAW IMPLEMENTED:** 440.107(7) 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:** Wednesday, April 15, 2009, 2:00 p.m.

**PLACE:** 104J Hartman Bldg., 2012 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: Tasha Carter, (850)413-1878 or Tasha.Carter@

myfloridacfo.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: Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1878

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DEPARTMENT’S DIVISION OF WORKERS’ COMPENSATION WEBSITE AT: <http://www.fldfs.com/wc/>.

**Section II  
 Proposed 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.”

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

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
18-21.001	Intent
18-21.002	Scope and Effective Date
18-21.003	Definitions
18-21.004	Management Policies, Standards, and Criteria
18-21.005	Forms of Authorization
18-21.0051	Delegation of Authority
18-21.008	Applications for Lease
18-21.011	Payments and Fees
18-21.020	Aquacultural Activities
18-21.021	Applications for Aquacultural Activities
18-21.022	Payments and Fees for Aquacultural Activities
18-21.900	Forms

**PURPOSE AND EFFECT:** The proposed rule amendments will revise and update Rule 18-21, F.A.C., to implement statutory changes in Chapter 253, F.S., and establish forms of authorization for aquacultural activities including: aquaculture leases, aquaculture letters of consent and aquaculture management agreements. The effect of the proposed rule amendments will be to clarify DACS’ duties and functions related to managing aquacultural activities on sovereignty submerged lands.

SUMMARY: The proposed rule amendments provide for the administrative and management responsibilities of the Board of Trustees of the Internal Improvement Trust Fund and the Department of Agriculture and Consumer Services regarding the use of sovereignty submerged lands for aquacultural purposes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: Art. X, Sec. 14, Fla. Const., 253.002, 253.03(7), (11), 253.73 FS.

LAW IMPLEMENTED: 253.001, 253.002, 253.03, 253.04, 263.115, 253.12, 253.141, 253.47, 253.512, 253.52-.54, 253.61, 253.67-.75, 253.77, 597.010 FS.

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

DATE AND TIME: Tuesday, April 28, 2009, 1:00 p.m.  
 PLACE: Division of Aquaculture, Conference Room, 1203 Governor's Square Blvd., 5th Floor, Tallahassee, FL 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 7 days before the workshop/meeting by contacting: Mark E. Berrigan (850)488-5471. 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: Mark E. Berrigan, Chief of Aquaculture Development, 1203 Governor's Square Blvd., 5th Floor, Tallahassee, FL 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

18-21.001 Intent.

The intent and purpose of this rule is:

(1) through (3) No change.

(4) To manage and provide maximum protection for all sovereignty lands, especially those important to public drinking water supply, shellfish harvesting, aquaculture, public recreation, and fish and wildlife propagation and management;

(5) through (6) No change.

Rulemaking Specific Authority 253.03(7) FS., Art. X, Sec. 14, Fla. Const. Law Implemented 253.03, 253.12 FS. History--New 3-27-82, Formerly 16Q-21.01, 16Q-21.001, Amended \_\_\_\_\_.

18-21.002 Scope and Effective Date.

(1) These rules are to implement the administrative and management responsibilities of the ~~B~~board, ~~the D~~epartment of ~~E~~nvironmental Protection and the ~~D~~epartment of ~~A~~griculture and ~~C~~onsumer Services regarding sovereignty submerged lands. Responsibility for environmental permitting of activities and water quality protection on sovereignty and other lands is vested with the Department of Environmental Protection. The responsibility for managing aquacultural activities on sovereignty lands is vested with the Department of Agriculture and Consumer Services. These rules are considered cumulative. Therefore, a person planning an activity should consult other applicable ~~department rules as well as the~~ rules of the Department of Environmental Protection and the Department of Agriculture and Consumer Services regarding aquacultural activities.

(2) through (5) No change.

Rulemaking Specific Authority 253.03 (7), ~~253.73~~ FS. Law Implemented ~~253.002(1)~~, 253.03, 253.12, ~~253.68~~, 253.77 FS. History--New 3-27-82, Amended 8-1-83, 9-4-84, Formerly 16Q-2.02, 16Q-21.002, Amended 12-25-86, 3-15-90, \_\_\_\_\_.

18-21.003 Definitions.

When used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) through (9) No change.

(10) "Aquaculture" means the cultivation of aquatic organisms and associated activities, including, but not limited to grading, sorting, transporting, harvesting, holding, storing, growing and planting animal or plant life in an aquatic environment.

(11) "Aquaculture Activities" means any activities related to the production of aquacultural products, including, but not limited to, producing, storing, handling, grading, sorting, transporting, harvesting, and aquacultural support docking.

(11) through (15) renumbered (12) through (16) No change.

(17) "DACS" means the Florida Department of Agriculture and Consumer Services for the purposes of aquaculture in Rules 18-21.020, 18-21.021, and 18-21.022, F.A.C.

~~(18)(47)~~ "Department" means the State of Florida Department of Environmental Protection (DEP), as administrator for the ~~B~~board.

(17) through (26) renumbered (19) through (28) No change.

(27) "High-density lease area" means a contiguous tract of sovereignty submerged lands which allows for an array of multiple aquaculture leases configured to facilitate management and enforcement.

(27) through (68) renumbered (28) through (69) No change.

Rulemaking Specific Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.68, 253.77 FS. History--New 9-26-77, Formerly 16C-12.01, 16Q-17.01, Amended 3-27-82, 8-1-83, 2-25-85, Formerly 16Q-21.03, 16Q-21.003, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 3-20-94, 10-15-98, 8-1-01, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 1-1-06, 4-14-08,\_\_\_\_\_.

#### 18-21.004 Management Policies, Standards, and Criteria.

The following management policies, standards, and criteria shall be used in determining whether to approve, approve with conditions or modifications, or deny all requests for activities on sovereignty submerged lands, except activities associated with aquaculture. The management policies, standards, criteria, and fees for aquacultural activities conducted on or over sovereignty submerged lands are provided in Rules 18-21.020 through 18-21.022, F.A.C.

##### (1) General Proprietary.

(a) through (j) No change.

(k) No application to use sovereignty, submerged land adjacent to or surrounding an unbridged, undeveloped coastal island or undeveloped coastal island segment may be approved by the Board of Trustees unless it meets the following criteria:

1. through 3. No change.

4. The proposed use is for the purpose of allowing access, for public purposes, to publicly owned uplands or submerged lands for recreation, research, conservation, mosquito control, aquaculture or restoration activities only, and is otherwise consistent with the provisions of Rule Chapter 18-18, 18-20, or 18-21, F.A.C.

(l) through (n) No change.

(2) Resource Management.

(a) through (l) No change.

(m) Aquaculture policy, standards and criteria. The Board of Trustees hereby declares the following policies with regard to aquaculture authorizations leases issued pursuant to this rule.

1. It shall be a policy of the State of Florida to foster aquaculture when the aquaculture activity is consistent with state resource management goals, proprietary interest, environmental protection and antidegradation goals. Further such aquaculture shall not displace existing leases, viable commercial or recreational harvesting areas open to the general public but create new areas for the purification or cultivation of marine resources.

2. The Board will not grant consent for activities that would adversely affect existing aquaculture leases by degrading ambient water quality.

3. The Board will oppose the issuance of any permit which would reasonably be expected to degrade water quality at an aquaculture lease site.

~~4. The Board shall review the impact of the aquaculture rule amendment concerning the right of first refusal on the revenues generated by the program by January 1992.~~

~~5. Aquaculture leases result in the exclusion of the general public from sovereign lands, for the benefit of the individual. Consequently, such leases should be issued only after careful review and upon such conditions that protect the public interest.~~

~~6. An aquaculture lease shall contain provisions to ensure adequate marking of the leased area. Such marking shall be sufficient to prevent the aquaculture activity from constituting a nuisance, a hazard to navigation, or a safety hazard.~~

~~7. A coordinated review process will be used by the Division of State Lands to ensure that the proposed sites are suitable for aquaculture activities.~~

~~8. The area to be leased shall comply with the following standards and criteria:~~

~~a. Riparian rights shall not be unreasonably infringed upon. When reviewing an application from a nonriparian applicant the Department shall consider water depth, location of navigation channels, distance from shore and the width of the waterbody. An aquaculture lease area for a nonriparian applicant can be approved greater than or equal to 100 feet waterward of mean or ordinary high water or greater than or equal to 100 feet waterward of existing structures on sovereignty lands only if the applicant obtains a letter of permission from the upland owner, a greater setback may be required to protect riparian rights.~~

~~b. A setback 25 feet from the riparian lines of adjacent property owners shall be required.~~

~~c. Setbacks from other activities, channels or structures shall also be required to ensure safety, facilitate enforcement abilities or ensure resource management.~~

~~d. The leased area shall not be closer than 100 feet from a marked channel.~~

~~e. The lease shall not be approved for a parcel larger than ten acres for oysters or five acres for clams unless the lease is a voluntary conversion. Exceptions to a ten acre maximum aquaculture lease area may be approved by the Board upon a recommendation from the Division of Marine Resources concerning the ability of the applicant to develop the lease.~~

~~f. The relay or the culture of indigenous or hybridized plants or animals may be approved as an aquaculture activity.~~

~~g. The activity shall not be contrary to the public interest or, if within aquatic preserves, that the activity be consistent with aquatic preserve management plans and rules as determined by the coordinated review required in subparagraph 18 21.005(1)(c)2., F.A.C.~~

~~h. A clam lease shall not be granted in areas where, at the time of inspection by the Division of Marine Resources, it would preempt public access to significant harvestable resources.~~

~~i. An oyster lease shall not be granted in an area where it would preempt public access to significant harvestable resources.~~

~~j. Experimental leases shall be limited to research institutions for noncommercial activities.~~

~~k. No lease, other than an experimental lease, shall be issued for a parcel that is within a state park boundary.~~

(n) through (o) No change.

(3) through (6) No change.

(7) General Conditions for Authorizations. All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for ~~aquaculture activities and geophysical testing~~, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or 258, Part II, F.S.

(a) through (i) No change.

(8) No change.

Rulemaking Specific Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08,\_\_\_\_\_.

18-21.005 Forms of Authorization.

(1) The appropriate form of authorization, for activities that meet the applicable rules and statutes of the Board, shall be determined based on consideration of all of the provisions of this ~~rule section~~. It is the intent of the Board that the form of authorization shall grant the least amount of interest in the sovereignty submerged land necessary for the activity. The forms of authorization for aquacultural activities, which shall include aquaculture leases, aquaculture letters of consent, and aquaculture management agreements, are provided in subsection 18-21.020(2), F.A.C. For activities not specifically listed, the Board will consider the extent of interest needed and the nature of the proposed activity to determine which form of authorization is appropriate. Co-located activities can be authorized, provided that the activities are compatible and the form of authorization for each activity is determined by the provisions of this rule section.

(a) through (d) No change.

~~(e) An aquaculture lease or an existing clam or oyster lease is required for the relay of shellfish from polluted waters for purification or the culture of plant and animal life within the bottom or water column of sovereignty lands which preempts the recreational or commercial use by the general public.~~

~~1. The Division of State Lands shall coordinate, or require the applicant to provide the items incidental to, the review process and agenda preparation for applications to lease submerged lands which can include the water column for aquaculture in order to determine that proposed sites are suitable for aquaculture activities. State Lands shall also coordinate the agenda preparation for voluntary conversions of~~

~~shellfish leases to aquaculture leases after the Division of Marine Resources has provided the results of a coordinated review for such conversions to State Lands.~~

~~2. The review procedures to be followed for new applications and renewals include:~~

~~a. A positive recommendation from the Division of Marine Resources concerning:~~

~~(I) The desirability of the proposed aquaculture from a resource management perspective;~~

~~(II) The size of area requested for lease being appropriate to the use;~~

~~(III) The suitability of the site for leasing;~~

~~(IV) Recommended special lease conditions; and~~

~~(V) The ability of the applicant to perform the work.~~

~~b. Department of Environmental Protection review of the application, when appropriate, to assess the effect of the proposal on water quality and habitat.~~

~~e. The Army Corps of Engineers review and comment on the effect of the lease on navigation and boating safety.~~

~~d. A recommendation by the Fish and Wildlife Conservation Commission for any application to conduct freshwater aquaculture, concerning impacts on natural resource management.~~

~~e. The Division of Recreation and Parks has been given thirty days to comment on the consistency of the proposal with management goals and objectives if the application is within an aquatic preserve or a state park boundary.~~

~~f. The county commission has been given thirty days to review the project application pursuant to Section 253.68, F.S.~~

~~g. The municipality has been given thirty days to review the rule based on any applicable local plans and ordinances and to recommend, by resolution, that the Board approve or deny the application. No response shall be considered as no objection.~~

(f) through (g) renumbered (e) through (f) No change.

(2) No change.

(3) Requests for sales, exchanges, leases, aquaculture leases, and easements on sovereignty submerged lands shall be processed in accordance with the notice and hearing requirements of Section 253.115, F.S., except easements that qualify for a general permit or a noticed general permit under Chapter 373, F.S., provided that the proposed activity is not of heightened public concern. When noticing is required under Section 253.115, F.S., the applicant shall provide a list of names and addresses from the latest county tax assessment roll, of all property owners within a 500-foot radius of the proposed lease or easement boundary in mailing label format. In lieu of the Board providing notice of application for lease or easement, an applicant may elect to send the notice, provided the notice is sent by certified mail, with the return-receipt card addressed to the Department or to DACS, as applicable.

Rulemaking Specific Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.68, 253.77 FS. History—New 9-26-77, Formerly 16C-12.01, 16Q-17.01, Amended 3-27-82, 8-1-83, Formerly 16Q-21.05, 16Q-21.005, Amended 1-25-87, 3-15-90, 10-15-98, 3-8-04, \_\_\_\_\_.

18-21.0051 Delegation of Authority.

(1) The purpose of this section is to delegate certain review and decision-making authority of the Board, regarding the use of sovereignty submerged lands, to the Secretary of the Department of Environmental Protection, the Commissioner of Agriculture, and the Governing Boards of the Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District, as applicable.

(2) No change.

(3) The Commissioner of Agriculture is delegated the authority to review and take final agency action on behalf of the Board on applications to use Board-owned submerged lands and water columns for any activity for which the Department of Agriculture and Consumer Services has responsibility pursuant to Sections 253.67-75, F.S., and Section 597.010, F.S., except the Board shall retain authority to grant the following:

(a) Establishing any areas for leasing, new leases, expanding existing lease areas, or changing the type of lease activity in existing leases; and

(b) Authorizing aquacultural activities in a managed area, such as state parks, aquatic preserves, marine sanctuaries, or research reserves, when the Department of Environmental Protection has determined that the proposed aquaculture activity is inconsistent with the management goals and objectives of that area.

~~(4)~~(3) The Secretary of the Department of Environmental Protection and the Governing Boards of the specified Water Management Districts and the Commissioner of Agriculture may further delegate review and decision making authority for ~~of~~ activities authorized under Rule 18-21.002, F.A.C., to staff within their respective agencies.

~~(5)~~(4) The delegations set forth in subsection (2) and (3) are not applicable to a specific application for a request to use sovereignty submerged lands under Chapter 253 or 258, F.S., where one (1) or more members of the Board, the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or the appropriate water management district determines that such application is reasonably expected to result in a heightened public concern, because of its potential effect on the environment, natural resources, or controversial nature or location.

Rulemaking Specific Authority 253.002, 253.73 FS. Law Implemented 253.002, 253.67-75, 597.010 FS. History—New 10-12-95, Amended 10-29-03, 10-27-05, \_\_\_\_\_.

18-21.008 Applications for Lease.

Applications for the following categories of leases are found in this section: standard, extended term, ~~aquaculture~~, and oil and gas. Special event leases are addressed in Rule 18-21.0082, F.A.C.

(1) through (2) No change.

~~(3) Aquaculture Lease.~~

~~(a) Applications for aquaculture leases shall include the following:~~

~~1. Name, address and phone number of the applicant.~~

~~2. Legal description and acreage of the parcel sought subsequent to final approval of the application but prior to issuance of the lease.~~

~~3. Two prints of a survey subsequent to final approval of the application but prior to issuance of the lease of the parcel sought prepared, signed, and sealed by a person properly licensed by the Florida State Board of Land Surveyors when required by Chapter 472, F.S., or an agent of the federal government acceptable to the department. Preliminary site approval can be based upon marking off the general configuration of the parcel sought, including the acreage of the parcel and LORAN or latitude and longitude coordinates for the corners of the parcel identified on a USGS 7.5 minute topographic map or a navigation chart if a topographic map is not printed for the lease area.~~

~~4. Description of the aquaculture activities to be conducted, including whether such activities are to be experimental or commercial, and an assessment of the current capability of the applicant to conduct such activities.~~

~~5. Statement explaining why the lease is not contrary to the public interest, or within aquatic preserves, why the lease is in the public interest.~~

~~6. Names and addresses, as shown on the latest county tax assessment roll, of each owner of property lying within 1,000 feet of the parcel sought, certified by the county property appraiser.~~

~~7. Statement of the significant impact of the proposed use of the parcel sought on the ecology of the area.~~

~~8. A \$200 nonrefundable processing fee.~~

~~9. A statement by all nonriparian applicants wishing to lease areas, not designated by the state, whether they wish to negotiate the fixed lease fee or to bid the lease for the first ten year lease term.~~

~~10. Copies of comments received from the review of the application required by subparagraph 18-21.005(1)(e)2., F.A.C.~~

~~11. Proof of publication and notification required pursuant to Section 253.70, F.S.~~

~~12. Experimental leases shall be limited to research institutions for noncommercial activities.~~

(b) ~~The Department may hold a public hearing in response to concerns raised in response to the public notice requirement prior to making any staff recommendation concerning the lease.~~

(e) ~~If staff determines that the application is complete and complies with the standards and criteria of the rule then they will agenda the application for approval to lease the parcel sought. The lease fee amount shall be determined by competitive bid or negotiation. The Department shall require the applicant to cause notice of such lease proposal to be published in a newspaper in the county in which the parcel is situated once a week for three consecutive weeks. If bidding is required, the bid amount, representing the first years lease fee shall be submitted prior to the advertised closing date and time. A copy of the notice shall also be sent to the county commission and the municipal government if applicable by certified mail prior to the appearance of the first newspaper notice. Such notice shall contain the following:~~

1. ~~Preliminary location description and acreage of parcel sought.~~
2. ~~Terms of the lease acceptable to the Board and a description of the aquaculture activity being proposed.~~
3. ~~Deadline, time, and date for the receipt of all bids.~~
4. ~~Address to which all bids shall be sent.~~
5. ~~The date, time, and place of the opening of bids.~~

(d) ~~A lease shall not be approved by the Board when a resolution of objection, adopted by a majority of the county commissioners of the county in which the parcel sought is situated, has been filed with the Department within 30 days of the date of first publication of the notice of lease.~~

(e) ~~Determination of the annual fixed rate lease fee for aquaculture leases shall be determined by negotiation or bidding.~~

1. ~~The use of negotiation or bidding shall be determined:~~

a. ~~By negotiation between the Department and the riparian upland owner when said owner is the applicant, pursuant to subparagraph 18-21.004(2)(l)8., F.A.C., up to the ten acre maximum.~~

b. ~~By negotiation between the Department and nonriparian applicants for the first lease term when the applicant nominates the site.~~

e. ~~By competitive bid:~~

(I) ~~When the Department designates sites for lease,~~

(II) ~~After the first lease term for all nonriparian leases, or,~~

(III) ~~At the option of the nonriparian applicant when the applicant nominates a site.~~

2. ~~Any financial data determined to be necessary by the Department for the purposes of negotiations shall be supplied by the applicant upon the Department's request.~~

3. ~~Competitive bids for aquaculture leases shall be written offers which shall include the advertised fee for the first lease year, the amount offered above such fee for said first year~~

~~being a competitive bid. The consideration offered shall accompany the written offer and shall be returned to the unsuccessful bidders upon award of the lease, rejection of all bids, or the matching of the high bid by the existing leaseholder.~~

4. ~~The successful bidder shall reimburse the original applicant for his documented application and advertising fees.~~

5. ~~The successful bidder shall reimburse the prior leaseholder for the nondepreciated costs of physical improvement not including the aquatic resource value.~~

(f) ~~Each lease document shall as a minimum contain the following:~~

1. ~~The term of the lease which shall not exceed ten (10) years.~~

2. ~~The amount of fee per acre leased to be paid on or before January 1 each year which shall take the form of a fixed fee to be paid throughout the term of the lease.~~

3. ~~The disposition to be made of all improvements and animal and plant life upon the termination or cancellation of the lease.~~

4. ~~A statement that the lease may be assigned, transferred in any manner, in whole or in part, only after written approval by the Board. Failure of the lessee to obtain written approval may be grounds for revocation and cancellation of the lease.~~

5. ~~A list of approved harvesting techniques that can be used on the lease.~~

(g) ~~Failure to perform the aquaculture activities for which the lease was granted shall be grounds for cancellation of the lease and forfeiture to the State of Florida of all the work improvements, animal and plant life in and upon the parcel leased. In addition, a performance bond is required to ensure compliance with the standards of this rule and the specifications and conditions of the lease. The bond requirement shall be met by execution of a bond, an escrow account, or an acceptable letter of credit in favor of the Trustees. The amount of the bond should be based on the cost of removing the structures and restoring the site to predevelopment conditions for leases including the water column. A bond equal to the first year's annual rental per acre shall be sufficient for bottom shellfish culture techniques.~~

(h) ~~The parcel leased shall be identified, well marked, and shall have, except when it will interfere with the development of the animal and plant life being cultivated by the lessee, reasonable public access for boating, swimming, and fishing. All limitations on the public use of the parcel leased as set forth in the lease shall be clearly posted in conspicuous places by the lessee. Each parcel leased shall be marked in compliance with the rules and regulations of the Department, U.S. Coast Guard, and the U.S. Army Corps of Engineers.~~

(3)(4) ~~No change.~~

~~Rulemaking Specific Authority 253.03(7),—253.73 FS. Law Implemented 253.03, 253.04, 253.115, 253.12, 253.47, 253.512, 253.52-.54, 253.61, 253.67-.75 FS. History—New 12-20-78, Formerly 16C-12.14, 16Q-17.14, Amended 3-27-82, 8-1-83, 2-25-85, 3-19-85, Formerly 16Q-21.08, 16Q-21.008, Amended 1-25-87, 10-11-98, 12-11-01, 3-8-04, 8-10-05,\_\_\_\_\_.~~

#### 18-21.011 Payments and Fees.

(1) through (3) No change.

#### (4) Aquaculture Leases:

(a) ~~The dollar amount of the fixed rate consideration for aquaculture leases shall be determined as follows:~~

1. ~~By negotiation between the Department and the riparian upland owner when said owner is the applicant.~~

2. ~~By negotiation between the Department and the nonriparian applicant for the first lease term when the applicant nominates the site.~~

3. ~~By competitive bid:~~

a. ~~When the Department designates sites for lease,~~

b. ~~After the first lease term for all nonriparian leases, or~~

e. ~~At the option of the nonriparian applicant when the applicant nominates a site.~~

4. ~~An appraisal may be required when deemed appropriate by the Department. The cost of such appraisal shall be borne by the applicant.~~

5. ~~Any production data determined to be necessary by the Department for the purposes of negotiation shall be supplied by the applicant upon the Department's request.~~

6. ~~Fees for experimental aquaculture leases for public and nonprofit research institutions may be waived by the Board.~~

(b) ~~Bids for aquaculture leases shall be written offers with a cash consideration which shall be based on a lease fee per acre per year. The competitive bid submitted to the Department shall include the bid per acre times the number of acres in the lease area offered. The total cash consideration offered shall accompany the written offer and shall be returned to the unsuccessful bidders upon award of the lease, or upon the matching of the high bid by the existing leaseholder upon rejection of all bids. The successful bidder will be required to pay all costs of legal advertisement in connection with this lease sale. All bids must be in a sealed envelope marked SEALED BID — STATE AQUACULTURE LEASE — showing lease number and date of sale, and accompanied by certified or cashier's check made payable to the Department of Environmental Protection, Bureau of State Lands Management, the full amount of the cash consideration offered as the bid.~~

1. ~~All applicants including the existing leaseholder must submit a bid to be eligible for a lease when bidding is required.~~

a. ~~The bid shall be received by the Department prior to the advertised closing date and time.~~

b. ~~The existing leaseholder shall have five days to match the high bid and renew the lease if outbid.~~

e. ~~When the existing leaseholder does not bid or does not exercise the right of first refusal the new lessee shall allow the prior leaseholder unencumbered access to the lease in order to harvest the aquaculture crop during the first year of the new lease.~~

2. ~~Each bidder shall include as part of the bid a certified statement as to any submerged land lease holdings which have been granted by the State. Such statement shall also include the lease number and legal description for all such leases issued.~~

3. ~~After the first year, the amount bid per acre shall be paid by the successful bidder on or before the first day of the month in which the lease was granted as a fee to be paid throughout the term of the lease.~~

4. ~~The annual lease fee shall not be less than a fixed rate of \$15 per acre for a bottom lease and \$30 per acre when the lease is to include the water column. The annual fee shall be fixed by bidding or negotiation and adjusted annually pursuant to subparagraph 18-21.011(1)(b)6., F.A.C., to ensure the fixed rate is not reduced by inflation.~~

5. ~~Existing shellfish leaseholders may convert to an aquaculture lease if they wish to include the water column in the leased area. Converted leaseholders that are not riparian owners shall have the first right of refusal if they are outbid.~~

6. ~~When the water quality designation that is necessary for the particular activity is lost due to degradation of water quality the leaseholder shall have the option of:~~

a. ~~Returning the lease to the state,~~

b. ~~Conducting an aquaculture activity that is consistent with the change in water quality upon written approval by the Board or,~~

e. ~~Continuing to retain the lease.~~

(4)(5) No change.

~~Rulemaking Specific Authority 253.03(7), (11),—253.73 FS. Law Implemented 253.03, 253.71 FS. History—New 3-27-82, Amended 5-18-82, 8-1-83, 9-5-84, 10-20-85, Formerly 16Q-21.11, 16Q-21.011, Amended 1-25-87, 9-6-87, 3-15-90, 10-11-98, 10-15-98, 10-29-03, 3-8-04, 1-1-06, 4-14-08,\_\_\_\_\_.~~

#### 18-21.020 Aquacultural Activities.

(1) Intent – It is in the state's economic, resource enhancement, and food production interest to promote aquacultural production of food and non-food aquatic species by facilitating the review and approval processes for authorizing the use of sovereignty submerged lands and water columns for aquacultural purposes. Aquaculture development should be fostered when the aquaculture activity is consistent with state resource management goals, proprietary interest, environmental protection, the state aquaculture plan, and the public interest, as expressed in Section 258.42, F.S.

(2) Forms of authorization – For the purpose of Rules 18-21.020, 18-21.021 and 18-21.022, F.A.C., conducting aquacultural activities on sovereignty submerged lands and in

the water column shall be authorized by an aquaculture lease, an aquaculture letter of consent, or an aquaculture management agreement.

(a) An aquaculture lease is required for all revenue-generating aquacultural activities conducted on or over sovereignty submerged lands, except those aquacultural activities associated with an aquaculture facility that qualifies for an aquaculture letter of consent pursuant to subsection 18-21.020(5), F.A.C., or an aquaculture management agreement pursuant to subsection 18-21.020(6), F.A.C.

(b) A letter of consent shall be issued for aquaculture activities that meet the requirements of subsection 18-21.020(5) and Chapter 5L-3, F.A.C.

(c) An aquaculture management agreement shall be issued for public and private entities to conduct certain aquacultural activities for educational, scientific, demonstration and experimental purposes when such activities meet the requirements of subsection 18-21.020(6), F.A.C., and education is the primary objective.

(3) Aquaculture general standards and criteria – The following standards and criteria shall be used in determining whether to authorize, authorize with conditions or modifications, or deny all requests to conduct aquacultural activities on sovereignty submerged lands.

(a) Aquacultural activities on sovereignty submerged lands or water columns shall be authorized only when the proposed activity has been determined to be a water dependent aquaculture activity and upon such conditions that protect the public interest.

(b) DACS shall consider location of the site, water body, water depth, navigation and safety hazards, channels, distance from shore, presence of fish and wildlife habitat, presence of submerged resources, threatened and endangered species, presence of threatened and endangered species habitat, user conflicts, and resource management when reviewing a request for an aquaculture lease, an aquaculture letter of consent, or an aquaculture management agreement.

(c) Aquacultural activities shall not prevent ingress and egress of vessels in marked channels, or in unmarked channels that provide the only means of passage.

(d) All aquaculture leases, aquaculture letters of consent, or aquaculture management agreements for aquacultural activities on sovereignty submerged lands shall contain such terms, conditions and restrictions as deemed necessary by the Board to protect and manage sovereignty lands.

(e) The management policies provided in paragraphs 18-21.004(1)(e), (g), (h), and (k), F.A.C., shall be applied when considering whether to authorize aquacultural activities on sovereignty submerged lands. However, paragraph 18-21.004(1)(k), F.A.C., shall not apply to applications for aquaculture activities which request the exclusive use of the water bottom for cultivation adjacent to unbridged, undeveloped coastal islands.

(f) The management policies provided in paragraphs 18-21.004(2)(e), (f), (g), and (h), F.A.C., involving filling, shoreline stabilization, or severance of material shall be applied when considering whether to authorize aquacultural activities on sovereignty submerged lands.

(g) Aquacultural activities on sovereignty submerged lands shall be designed to minimize or eliminate adverse impacts on fish and wildlife habitat, including: sea grasses, endangered and threatened species, wetland vegetation, and water quality.

(h) Authorizations under this rule shall prohibit the cultivation of non-indigenous, or hybrids of non-indigenous, plants and animals.

(i) Riparian rights shall be protected pursuant to subsection 18-21.004(3), F.A.C.

(j) Authorization of aquacultural activities on sovereignty submerged lands, including aquatic preserves, shall be consistent with Chapters 18-18 and 18-20, F.A.C., and Section 258.42, F.S., when applicable.

(k) Upon issuance of an aquaculture lease or an aquaculture management agreement, DACS shall send a copy of the document and accompanying survey to the Title and Land Records Section, Division of State Lands in the Department of Environmental Protection for filing in the permanent title records of the Board.

(l) No authorization, other than a management agreement, shall be issued for a parcel within a state park boundary.

(m) Aquacultural activities that are conducted in accordance with best management practices adopted under Chapter 5L-3, F.A.C., are exempt from the provisions of Rule 18-21.00401, F.A.C. Activities for which best management practices have not been adopted pursuant to Chapter 5L-3, F.A.C., and require a permit under Part IV of Chapter 373, F.S. shall be subject to concurrent review in accordance with Rule 18-21.00401, F.A.C., and provided that DACS and the Department of Environmental Protection shall issue a joint recommended consolidated intent. Application for an aquaculture authorization will be submitted to DACS and the joint application for an environmental resource permit shall be submitted to the Department of Environmental Protection as required.

(n) Applications for aquaculture docks in the Florida Keys shall comply with the provisions in Rule 18-21.0041, F.A.C.

(4) Specific standards and criteria for aquaculture leases. Leased areas shall comply with the following:

(a) An aquaculture lease is only to be used to conduct aquacultural activities on sovereignty submerged lands and the overlying water column, or for activities associated with an on-shore aquaculture facility. Allowable aquaculture activities on an on-shore aquaculture facility or aquaculture dock include hatchery and nursery cultivation systems, intake and discharge pipes, pumps, loading and off-loading aquaculture products,



and the mooring of vessels used by aquaculture producers in planting, growing, harvesting, and transporting aquacultural products.

(b) Aquaculture lease applications shall require coordinated review pursuant to Rule 18-21.021, F.A.C., to ensure that the proposed sites are suitable for aquacultural activities.

(c) When the leased area is within an aquatic preserve, research reserve, marine sanctuary, or state park, the activity shall be compatible with the managed area's management plan, or prevailing management policies when a management plan has not been developed, and consistent with Sections 258.42 and 373.406, F.S., as determined by the coordinated review required in subparagraph 18-21.021(1)(f)2., F.A.C.

(d) DACS shall recommend that the Board create a high-density lease area when it receives ten or more individual lease applications in the same water body within a six month period to encourage regional aquacultural and economic development, facilitate resource management, reduce potential adverse environmental impacts, and reduce user conflicts.

(e) Riparian rights shall not be infringed upon. An aquaculture lease area for a nonriparian applicant shall not be approved when the distance is less than or equal to 100 feet waterward of mean or ordinary high water or less than or equal to 100 feet waterward of existing structures and permitted activities on sovereignty lands, unless the applicant obtains a letter of concurrence from the upland riparian owner. The Board shall establish greater setbacks to protect riparian rights when upland uses, ingress and egress, or activities on or over sovereignty submerged lands would be limited by the proposed aquaculture activity.

(f) Aquaculture leases shall contain provisions to ensure that the lease area is marked and that markers are maintained for the term of the lease. Such marking shall be adequate to inform the public of the activity and assist the leaseholder in identifying potential navigation and safety hazards.

(g) The leased area in aquaculture leases shall comply with the following:

1. A setback of 25 feet from the riparian lines of adjacent properties shall be required unless a letter of concurrence from the adjacent property owners waives the setback requirement.

2. Setbacks from other activities, channels or structures shall also be required, as needed, to ensure safety, facilitate enforcement abilities and ensure resource management.

3. The leased area shall not be approved for a parcel larger than ten acres for oysters or five acres for clams, unless the lease is a voluntary conversion of a shellfish lease issued under Section 597.010, F.S. The Board shall approve a larger lease size if it determines, based on the applicant's business plan and ability to develop a larger parcel, that additional area can be supported by the applicant.

(h) An aquaculture lease, an aquaculture management agreement, or a shellfish lease is required for the relay of shellfish from polluted waters for purification, unless a site is specifically designated by DACS for such purposes. Relaying activities on leased areas shall be conducted pursuant to subsection 597.010(19), F.S.

(i) An aquaculture lease for culturing hard clams or oysters shall not be granted in areas where, at the time of inspection, DACS determines that the lease would preempt public access to harvestable resources of hard clams or oysters; harvestable resources shall be established as:

1. More than five legal-size clams per square meter over more than fifty percent of the proposed lease area; or

2. A natural oyster reef covering more than 100 square feet within the proposed lease area.

(j) The Board shall impose additional standards and criteria for aquaculture leases when necessary to enhance resource management, as provided in subsection 18-21.004(2), F.A.C., and to protect riparian rights and public safety.

(k) Aquaculture leases for docks shall be placed in sovereignty submerged lands designated as Resource Protection Area 3 when such areas are available and will not result in substantial reductions in proposed operations. Construction of docks and associated aquacultural operations on sovereignty submerged lands designated as Resource Protection Area 2 shall be authorized according to special conditions which minimize adverse environmental impacts. Construction of docks and associated aquacultural operations on sovereignty submerged lands designated as Resource Protection Area 1 shall be avoided, except under special circumstances as stated in this chapter. Docks shall not terminate in a Resource Protection Area 1 or 2, however main access docks will be allowed to pass through Resource Protection Areas 1 and 2 to reach an acceptable Resource Protection Area 3 when reasonable assurances are provided that such crossing will not generate significant adverse environmental impacts. Resource Protection Areas are defined in Rule 18-20.003, F.A.C. Special lease conditions shall be approved by the Board before a dock is authorized on an aquaculture lease located in a Resource Protection Area 1 or 2; the Board shall consider special circumstances such as: lack of practicable alternatives, compatibility with the aquatic preserve management plans, and compliance with special lease conditions.

(5) Specific standards and criteria for an aquaculture letter of consent.

(a) Use of sovereignty submerged lands for aquacultural activities associated with on-shore aquaculture facilities that are not included in an aquaculture lease, aquaculture dock lease, or state lands lease, and which are used by aquaculture producers in planting, growing, harvesting, and transporting aquacultural products, on or over sovereignty submerged lands, shall be authorized by a letter of consent. Such activities

include hatchery and nursery cultivation, intake and discharge pipes and pumps, areas in which loading and off-loading of aquacultural products occur, and mooring of not more than four vessels. To qualify for a letter of consent, such facilities must conform to the following criteria:

1. Be constructed and operated, as appropriate, in compliance with Chapters 18-18, 18-20, 18-21, and 5L-3, F.A.C., and the applicable permits issued by the Department of Environmental Protection under Chapter 373, F.S.; and the applicant has obtained and maintains a valid aquaculture certification pursuant to Chapter 597, F.S.

2. Occupy no more than 2,000 square feet of sovereignty submerged lands.

3. Be constructed so as to result in minimal adverse impacts on fish and wildlife habitat.

4. Follow the setback required in this section to protect riparian rights, unless the applicant obtains a letter of concurrence from the neighboring upland property owner.

(b) No more than one letter of consent shall be authorized for a single individual, company or corporation for contiguous parcels, structures, or activities, if such action is determined to circumvent the requirements in this section.

(c) Any use of sovereignty submerged lands for aquacultural activities that do not conform to these criteria shall obtain an aquaculture lease, a standard sovereignty submerged lands lease, or an easement, as appropriate under this chapter.

(d) If an area subject to a consent of use is within an aquatic preserve, research reserve, marine sanctuary, or state park, the activity shall be compatible with the managed area's management plan, or prevailing management policies when a management plan has not been developed, and consistent with Sections 258.42 and 373.406, F.S.

(e) The Board shall approve changes to the specific standards and criteria for a letter of consent only if the Board determines that such changes are necessary to enhance resource management, as provided in subsection 18-21.004(2), F.A.C., and protect riparian rights and public safety.

(6) Specific standards and criteria for an aquaculture management agreement – The use of sovereignty submerged lands authorized by an aquaculture management agreement shall comply with the following:

(a) Be for educational, scientific, demonstration, and experimental activities related to aquaculture when commercial production is not the primary purpose.

(b) Be limited to state agencies, local governments, educational institutions, or research institutions when the proposed aquacultural activity or use of sovereignty submerged lands is consistent with the public purposes of the applicant organization and is not an adjunct to a commercial endeavor. Public-private partnerships for demonstration and

pilot scale aquaculture programs that provide general public benefit are also eligible to obtain aquaculture management agreements.

(c) If within an aquatic preserve, research reserve, marine sanctuary, or state park, the activity shall be compatible with the managed area's management plan, or with applicable management policies when a management plan has not been developed, and consistent with Sections 258.42 and 373.406, F.S. Applications for aquaculture management agreements in managed areas shall be reviewed by the Department of Environmental Protection, as determined by the coordinated review required in paragraph 18-21.021(1)(f), F.A.C.

(d) Riparian rights shall not be infringed upon.

(e) The area subject to an aquaculture management agreement shall be marked, and the markers maintained for the term of the agreement. Such marking shall be adequate to inform the public of the activity and alert the public of potential navigation or safety hazards.

(f) Establish setbacks from other activities or structures as required to ensure safety, facilitate enforcement abilities and ensure resource management.

(g) Ensure that the cultivation of indigenous, or hybrids of indigenous, plants or animals is consistent with Chapter 597, F.S. Relaying activities shall be conducted pursuant to subsection 597.010(19), F.S.

(h) Aquaculture management agreements must be approved by the Board.

(7) Leaseholders possessing oyster and clam leases granted under provisions of former chapter 370, F. S., prior to 1985, shall convert to an aquaculture lease if they wish to include the water column in the leased area. Lease conversions shall be subject to the applicable provisions of Rules 18-21.020, 18-21.021, and 18-21.022, F.A.C., when the requested modification requires changing the proposed use or expanding the lateral extent of the existing lease area.

(8) When the water quality designation, including the shellfish harvesting area designation, that is necessary for the particular activity is lost due to degradation of water quality, and water quality degradation is not due to the aquacultural activity, the leaseholder shall have the option of:

(a) Canceling the lease;

(b) Conducting an aquaculture activity that is consistent with the change in water quality with prior written approval of the Board; or

(c) Retaining the lease.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.002, 253.67-75, 253.77 FS. History—New \_\_\_\_\_.

18-21.021 Applications for Aquacultural Activities.

(1) Aquaculture lease application and review process.

(a) An aquaculture lease to conduct aquacultural activities on sovereignty submerged lands or the overlying water column shall meet the criteria for an aquaculture lease in Rule 18-21.020, F.A.C.

(b) Applications for aquaculture leases shall be obtained from and submitted to the Division of Aquaculture at the address listed in subsection 18-21.021(7), F.A.C. The Application for a State Owned Sovereignty Submerged Land Aquaculture Lease (DACS 15102, Rev. 02/09) is hereby adopted and incorporated by reference and may be obtained on the Internet at <http://www.floridaaquaculture.com> or by writing to the Division of Aquaculture at 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida 32301.

(c) Applications for aquaculture leases shall include the following:

1. Name, address and phone number of the applicant.
2. Description of the aquaculture activities to be conducted, including whether such activities are to be experimental or commercial.
3. A statement describing the applicant's capabilities to conduct the proposed activities.
4. Location of the proposed activity including: county; section, township and range; water body; and a vicinity map.
5. Satisfactory evidence of sufficient upland interest to the extent required by paragraph 18-21.004(3)(b), F.A.C.
6. Names and addresses, as shown on the latest county tax assessment roll, of each owner of property lying within 500 feet of the parcel sought, prepared from current records of the county property appraiser.
7. A statement describing the potential impacts of the proposed use on the ecology of the area, including sea grasses, fish habitat, threatened and endangered species, and other natural resources present on the parcel sought.
8. A statement explaining why the lease is not contrary to the public interest, or within aquatic preserves, why the lease is in the public interest.
9. An application fee as specified in Rule 18-21.022, F.A.C.
10. A statement by applicants wishing to lease areas not designated by the state, whether they wish to negotiate the fixed lease fee or to bid the lease for the first ten-year lease term.
11. Proof of publication and notification required pursuant to Section 253.70, F.S.

(d) In addition to these requirements, applications for docks or other aquaculture-related structures connected to upland which require use of the water column shall include the following, as applicable:

1. Satisfactory evidence of sufficient upland interest in the riparian upland property to the extent required by paragraph 18-21.004(3)(b), F.A.C.

2. A detailed statement describing the proposed activities, including the project design and description of all operations.

3. A detailed and dimensioned site plan drawing showing:

- a. The approximate mean or ordinary high water line;
- b. The location of wetland, shoreline and aquatic vegetation and other submerged resources, if existing;
- c. The location of any manatee protection zones;
- d. The location of the proposed structures and any existing structures;
- e. The location of intake and discharge pipelines, pumps, culture units, and tanks;
- f. The applicant's upland parcel property lines and zoning restrictions;

g. The names and addresses, as shown on the latest county tax assessment roll in mailing label form, of each owner of property lying within 500 feet of the parcel sought, prepared from current records of the county property appraiser; and

h. The location of the nearest natural or artificial navigation channel.

(e) When DACS identifies tracts of sovereignty submerged lands or water columns designated as high-density lease areas involving multiple lease parcels for aquacultural development, and there is no established priority for selecting qualified applicants, then DACS shall make recommendations to the Board and request consideration concerning the method to be used to select qualified applicants and to determine the amount of lease fees, in accordance with this section.

(f) In the event that the lessee wishes to conduct activities on the aquaculture dock or other structures that are not directly related to the aquacultural activities identified in the lease agreement, the lessee shall seek separate authorization from the Board of Trustees through the Department of Environmental Protection pursuant to Chapter 18-21, F.A.C. If the activities are determined to be commercial and unrelated to aquaculture, the lessee shall seek authorization pursuant to paragraph 18-21.005(1)(d), F.A.C., for a commercial dock lease.

(g) In the event that an environmental resource permit or a wetland resource permit under Part IV of Chapter 373, F.S., is required, DACS will require a copy of the permit or notice of intent to issue an environmental resource permit from the Department of Environmental Protection, in accordance with Rule 18-21.00401, F.A.C.

(h) Applicants must obtain applicable federal permits for aquaculture activities in areas that are subject to federal jurisdiction.

(i) Legal description and acreage of the parcel shall be submitted subsequent to final approval of the application but prior to issuance of the lease.

(j) Two prints of a survey, which shall constitute the field survey, shall be submitted subsequent to final approval of the application but prior to issuance of the lease of the parcel sought; prepared, signed, and sealed by a person properly

licensed by the Florida Board of Professional Surveyors and Mappers when required by Chapter 472, F.S., or an agent of the federal government authorized to do such surveys under federal law. Preliminary site approval can be based upon marking off the general configuration of the parcel sought, including the acreage of the parcel, latitude and longitude coordinates for the corners of the parcel identified using a Global Position System on a topographic map or a navigation chart.

(k) DACS shall coordinate the application review process for applications to lease sovereignty submerged lands for aquaculture, including those for use of the water column, in order to determine that proposed sites are suitable for aquaculture activities.

(l) The review procedures to be followed for new applications and renewals include:

1. Review by DACS to determine:

a. That the proposed aquaculture activity is water dependent;

b. That the proposed project and operation is directly related to aquaculture;

c. The desirability of the proposed aquaculture from a resource management perspective;

d. The presence of substantial harvestable wild clams or oysters on the proposed area;

e. That the size of area requested for lease is appropriate to the use;

f. The suitability of the site for leasing;

g. The effect on public health, safety, welfare, or property of others; that the proposed construction or operations do not constitute a hazard to navigation or interfere with a riparian property owner's access to navigable water;

h. That the proposed project will not adversely affect historical or archaeological resources;

i. The need for special lease conditions that will ensure compliance with Chapters 253 and 258, F.S., and,

j. The ability of the applicant to perform the work.

2. Review by the Department of Environmental Protection to assess the effect of the proposed aquacultural activity on water quality and submerged resources and to comment on the consistency of the application with management goals and objectives for managed areas, including state parks, aquatic preserves, marine sanctuaries, or research reserves, as expressed in the management plan applicable to the managed area, or prevailing management practice. The review process for aquaculture leases located in aquatic preserves which include docks and aquaculture-related structures in the water column shall also include the following:

a. An assessment of design and operational specifications that will be established to avoid or minimize adverse environmental impacts to marine habitat, threatened and endangered species habitat, adjacent wetlands, and water

quality, including, but not limited to, designs and operations that minimize shading by increasing light transmittance, and that incorporate the installation and maintenance of appropriate manatee protection and resource information signs.

b. A determination of the type of resource protection area, as defined in Rule 18-20.003, F.A.C., affected by the proposed project.

3. Review by the Fish and Wildlife Conservation Commission to comment on the application relative to such factors as an assessment of the probable effect of the proposed lease on the conservation of fish or wildlife, threatened and endangered species, compliance with manatee protection plans, or other programs under the constitutional or statutory authority of the Commission.

4. Review by the Department of State when there is evidence of or the likelihood of the existence of historical or archaeological resources on the proposed site.

5. Review by the county commission of the county in which the lease is situated, pursuant to Section 253.68, F.S.

6. Review by the Army Corps of Engineers to assess the effect of the proposed lease on navigation and boating safety.

(m) After the coordinated review of the application, DACS shall compile the findings of the review and develop recommendations concerning the use of sovereignty submerged lands and water columns for consideration by the Board. Documents containing the comments received from the review required in this subsection shall become part of the application.

(n) All requests for aquaculture leases on sovereignty submerged lands shall be processed in accordance with the notice and hearing requirements of Section 253.115, F.S. For purposes of notification of adjacent property owners, requests for revisions to existing leases that increase the preempted area or change the use (such as one that requires a different form of authorization or application of different rule criteria) will be treated as new applications under this chapter.

(o) The Board shall require the applicant to cause notice of receipt of the lease application to be published in a newspaper of general circulation in the county in which the parcel is situated once a week for three consecutive weeks. A copy of the notice shall be sent to the county commission, and the municipal government if applicable, by certified mail prior to the appearance of the first newspaper notice. Such notice shall be made on the Notice of Aquaculture Lease Application (DACs 15118, Rev. 02/09) which is hereby adopted and incorporated by reference and may be obtained on the Internet at <http://www.floridaaquaculture.com> or by writing to the Division of Aquaculture at 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida, 32301. The application shall contain the following:

1. Preliminary location description and acreage of parcel sought; and

2. A description of the aquaculture activity being proposed.

(p) DACS will hold a public hearing in response to heightened public concern prior to seeking consideration by the Board, if such concern is raised in response to the public notice.

(q) If DACS determines that the application is complete and complies with the standards and criteria in Chapter 253, F.S., and this rule chapter, DACS shall initiate the agenda process to bring the application and recommendations before the Board for consideration at its next regularly scheduled public meeting. The application may be approved, approved with modifications, or denied. The lease fee shall be determined by the Board in accordance with the provisions in subsection 253.71(2), F.S.

(r) DACS shall also coordinate the review process and agenda preparation for applications for voluntary conversions of shellfish leases to aquaculture leases.

(s) All leases are renewable, modifiable, and assignable, subject to Board approval and compliance with the terms of subparagraph 18-21.008(1)(b)3., F.A.C. Requests to renew leases shall be made on the Affidavit to Renew an Aquaculture Lease (DACS 15127, Rev. 02/09). Applications to sublease shall be made on the Application for Sublease of Sovereignty Submerged Land Aquaculture Lease (DACS 15114, Rev. 02/09). Applications for transferring leases shall be made on Assignment and Assumption of Lease (DACS 15113, Rev. 02/09). The applications listed in this paragraph are hereby adopted and incorporated by reference and may be obtained on the Internet at <http://www.floridaaquaculture.com> or by writing to the Division of Aquaculture at 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida 32301.

(2) Aquaculture lease authorization.

(a) Each lease document shall as a minimum contain the following:

1. The term of the lease which shall not exceed ten years.

2. A provision stating that the lease shall be renewable for one automatic successive term upon agreement of both parties.

3. The amount of fee per acre, or fraction thereof, leased, which shall take the form of a fixed annual fee to be paid throughout the term of the lease.

4. A requirement that the leaseholder obtain and maintain a valid aquaculture certification issued by DACS. As a condition of the aquaculture certification the lessee shall comply with any special lease conditions, applicable best management practices for the specific aquacultural activity, and any permit issued pursuant to Chapter 373, F.S.

5. A provision requiring the disposition of all improvements and aquaculture products upon the termination or cancellation of the lease.

6. A statement that the lease may not be assigned, sublet or transferred in any manner, in whole or in part, without the prior written approval of the Board. Failure of the lessee to obtain prior written approval shall be grounds for revocation by the Board.

7. A provision stating that failure of the lessee to comply with the terms and conditions of the lease shall be grounds for revocation of the lease.

8. A description of approved culture and harvesting techniques that can be used on the lease.

(b) The parcel leased shall be identified, well marked, and shall have, except when it will interfere with the development of the animal and plant life being cultivated by the lessee, reasonable public access for boating, swimming, and fishing. All limitations on the public use of the parcel leased, such as docking, mooring, anchoring, and other activities that would interfere with the approved aquacultural activity shall be set forth in the lease agreement and such restrictions shall be clearly posted in conspicuous places on site by the lessee. Each parcel leased shall be marked in compliance with the provisions of the lease agreement.

(c) Failure to perform the aquaculture activities for which the aquaculture lease was granted or to comply with the terms and conditions of the lease agreement shall be grounds for revocation of the lease, a requirement for corrective action, or enforcement by DACS or the Board, in accordance with Section 253.04, F.S., Chapter 18-14, F.A.C., and the terms of the lease agreement. DACS shall notify the Department of Environmental Protection and the applicable water management district of any revocation, corrective action or enforcement related to a change in use which is not authorized in the lease agreement. Revocation of the lease may result in forfeiture to the State of Florida of all works, improvements, and aquaculture products in and upon the parcel leased.

(3) Aquaculture letter of consent application and review process.

(a) Aquaculture activities meeting the criteria specified in subsection 18-21.020(5), F.A.C., on or over sovereignty submerged lands shall be authorized by a letter of consent.

(b) The applicant shall provide the items required in this subsection demonstrating that the proposed site meets the criteria established in subsection 18-21.020(5), F.A.C., and is suitable for the proposed aquacultural activities. Applications for a letter of consent shall include the following.

1. Name, address and telephone number of applicant and applicant's authorized agent, if applicable.

2. Location and address of the proposed activity, using the most comprehensive information available, including: street, route, city, county; section, township and range; coordinates established with Global Positioning System, affected water body; and a vicinity map, preferably a reproduction of the appropriate portion of United States Geological Survey quadrangle map.

3. Satisfactory evidence of sufficient upland interest in the riparian upland property to the extent required by paragraph 18-21.004(3)(b), F.A.C.

4. A detailed statement describing the proposed activity.

5. A detailed and dimensioned site plan drawing showing:

a. The approximate mean or ordinary high water line;

b. The location of the shoreline and aquatic vegetation and/or other submerged resources, if any;

c. The location of the proposed structures and any existing structures;

d. The location of intake and discharge pipelines, pumps, culture units, and tanks;

e. The applicant's upland parcel property lines and zoning restrictions; and

f. The location of the nearest natural or artificial navigation channel.

(c) Application for Sovereignty Submerged Land Aquaculture Letter of Consent (DACs 15138, Rev. 02/09), which is hereby adopted and incorporated by reference, shall be submitted to the Division of Aquaculture at the address listed in subsection 18-21.021(7), F.A.C. The application may be obtained on the Internet at <http://www.floridaaquaculture.com> or by writing to the Division of Aquaculture at 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida 32301.

(d) Applications for letters of consent shall be reviewed by DACs to ensure that the proposed sites are suitable for the proposed aquacultural activity and meet the criteria in subsection 18-21.020(5), F.A.C.

(4) Aquaculture letter of consent authorization.

(a) If DACs determines that the proposed activity complies with subsection (3) above, has an Aquaculture Certificate, is in compliance with the best management practices adopted by rule for that activity, and meets the requirements of subsection 18-21.020(5), F.A.C. DACs shall issue a letter of consent.

(b) Failure to perform the aquaculture activities for which the letter of consent was issued, failure to comply with the terms and conditions of the letter of consent, or conducting activities other than those approved in the letter of consent shall be grounds for action on the letter of consent, including revocation, a requirement for corrective action or enforcement by DACs or the Board in accordance with Section 253.04, F.S., Chapter 18-14, F.A.C., and the terms of the letter of consent.

(5) Aquaculture management agreement applications and review process.

(a) An aquaculture management agreement is required for the use of sovereignty submerged lands or the water column for educational, scientific, demonstration or experimental activities related to aquaculture.

(b) Applicants for aquaculture management agreements shall provide the items required in this subsection and information demonstrating that the proposed activity complies with the criteria in subsection 18-21.020(6), F.A.C., and is suitable for aquacultural activities. Applications for an aquaculture management agreement shall include the following.

1. Name, address and telephone number of applicant and applicant's authorized agent, if applicable.

2. Location of the proposed activity, including: county; section, township and range; water body; and a vicinity map.

3. A detailed statement describing the proposed activity, including educational and scientific objectives.

4. A detailed site plan drawing showing:

a. Location of aquatic vegetation and fisheries habitat, if existing;

b. Location of proposed structures and any existing structures; and

c. Location of intake and discharge pipelines, pumps, culture units, and tanks.

d. The appropriate application fee.

(c) Satisfactory evidence of sufficient upland interest in the riparian upland property when the riparian property owner is the applicant.

(d) Applications for aquaculture management agreements shall be submitted, using the Application for Sovereignty Submerged Lands Aquaculture Lease (DACs 15102, Rev. 02/09) listed in paragraph 18-21.021(1)(b), F.A.C., to the Division of Aquaculture at the address listed in subsection 18-21.021(7), F.A.C.

(e) Applications for management agreements shall be reviewed by DACs to ensure that the proposed sites are suitable for the proposed aquacultural activity and that the activity complies with the criteria in subsection 18-21.020(6), F.A.C.

(f) If DACs determines that the application is complete and complies with the standards and criteria of Rules 18-21.020, 18-21.021, and 18-21.022, F.A.C., copies of the application will be sent to the Department of Environmental Protection and the Fish and Wildlife Conservation Commission for their review and recommendations.

(6) Aquaculture management agreement authorization.

(a) The Board shall authorize management agreements that meet the requirements of paragraphs 18-21.021(5)(a) through (c), F.A.C.

(b) The management agreement authorizes specific aquaculture activities on sovereignty submerged lands and water columns without conveying any interest in real property.

(c) Authorization of an aquaculture management agreement shall require that qualified applicants comply with the standards and criteria in subsection 18-21.020(6), F.A.C.

(d) The management agreement shall require the grantee obtain and maintain a valid aquaculture certification issued by DACS prior to the initiation of any activities authorized by the agreement. As a condition of the aquaculture certification, the grantee shall comply with special conditions, applicable best management practices, or with the condition of a permit issued pursuant to Chapter 373, F.S.

(e) The management agreement shall include a provision requiring the disposition of all improvements and aquaculture products upon the termination or cancellation of the management agreement.

(f) Failure to perform the aquaculture activities for which the management agreement was granted, failure to comply with the terms and conditions of the management agreement, or conducting activities other than those approved in the management agreement shall be grounds for action on the management agreement, including revocation, a requirement for corrective action, or enforcement by DACS or the Board, in accordance with Section 253.04, F.S., Chapter 18-14, F.A.C., and the terms of the aquaculture management agreement.

(7) Applications for authorizations to use sovereignty submerged lands for aquacultural purposes shall be submitted to the Florida Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida 32301, Telephone: (850)488-5471.

Rulemaking Authority 253.03(7) FS. Law Implemented 253.002, 253.04, 253.67-75, 253.77, 597.010 FS. History--New \_\_\_\_\_.

#### 18-21.022 Payments and Fees for Aquacultural Activities.

(1) The application fee for an aquaculture lease is \$200.00, and is non-refundable.

(2) The fee for assignment, sublease or transfer of an aquaculture lease is \$50.00.

(3) The annual rental fees for aquaculture authorizations shall be the dollar amount of the fixed rate consideration as determined by the Board in accordance with subsection 253.71(2), F.S., but not less than \$15.00 per acre, or fraction thereof, for a bottom lease and \$30 per acre, or fraction thereof, when the lease includes the water column: bottom leases are considered to include six inches of the water column above the bottom.

(4) The annual fee shall be revised March 1 of each year and increased or decreased based on the average change over time in the price paid by all urban consumers for a market basket of consumer goods and services. In determining the change, the Board will annually consult the Consumer Price Index figures established for the previous five years by the Bureau of Labor Statistics, computed as provided in the BLS Publication "Handbook of Methods," Chapter 17, June 2007, and found on the BLS website at <http://www.bls.gov/opub/homch17.pdf>. There shall be a 10 percent cap on any annual increase.

(5) An annual surcharge of \$10.00 per acre, or any fraction of an acre, shall be levied on each aquaculture lease pursuant to paragraph 253.71(2)(a), F.S., and subsection 597.010(7), F.S.

(6) Invoices will be sent to each leaseholder 60 days before the payment is due, stating the amount of the annual lease fee and surcharge. If the lease fee and surcharge are not received within sixty days of the payment date specified in the lease agreement, DACS shall revoke the lease.

(7) Any financial or production data related to the proposed aquacultural activity necessary for purposes of negotiation shall be supplied by the applicant upon DACS' request.

(8) Fees for experimental aquacultural activities on aquaculture leases or aquaculture management agreement areas for state agencies, public, and nonprofit research institutions shall be waived by the Board upon proof of public or nonprofit status.

Rulemaking Authority 253.03(7),(11), 253.73 FS. Law Implemented 253.002, 253.04, 253.67-75, 253.77, 597.010 FS. History--New \_\_\_\_\_.

#### 18-21.900 Forms.

Applications for activities, other than for aquaculture, on sovereignty submerged lands shall be made on the Joint Application for Environmental Resource Permit/Authorization to Use Sovereignty Submerged Lands/Federal Dredge and Fill Permit Form 62-343.900(1), F.A.C., except in the area under the jurisdiction of the DEP Northwest Florida District Office, where application shall be made using the forms provided in subsection 62-312.900(1), F.A.C. In both cases, the required forms shall be submitted together with the additional information required in Rules 18-21.007-.010, F.A.C., as applicable. Other forms used by the Board are adopted and incorporated by reference in this section. The forms are listed by rule number, which also is the form number, and with the subject title and effective date. Copies of forms may be obtained on the Internet at <http://www.dep.state.fl.us> or by writing to the Department of Environmental Protection, Division of Water Resource Management, Bureau of Beaches and Wetland Resources, 2600 Blair Stone Road – MS 2500, Tallahassee, Florida 32399-2400, or any local district or branch office of the Department or water management district.

(1) through (2) No change.

(3) The required forms used by the Board for aquacultural activities are adopted and incorporated by reference in this chapter and may be obtained on the Internet at <http://www.floridaaquaculture.com> or from the DACS by writing to the Division of Aquaculture, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida 32301.

Rulemaking Specific Authority 253.03(7), 253.73 FS. Law Implemented 253.03(11), 253.77, 597.010 FS. History--New 10-15-98, Amended 12-11-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Sherman Wilhelm, Director, Division of Aquaculture  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Governor and Cabinet sitting as the Board  
 of Trustees for the Internal Improvement Trust Fund  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: March 10, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: November 7, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

RULE NOS.:	RULE TITLES:
59B-9.010	Purpose of Ambulatory Patient Data Reporting
59B-9.011	Submission of Ambulatory Patient Data
59B-9.013	Definitions
59B-9.014	Schedule for Submission of Ambulatory Patient Data and Extensions
59B-9.015	Reporting Instructions
59B-9.016	Notice of Reporting Deficiencies and Response
59B-9.017	Certification and Audit Procedures
59B-9.018	Ambulatory Patient Data Format – Data Elements, Codes and Standards
59B-9.022	Penalties for Ambulatory Patient Data Reporting Deficiencies
59B-9.023	Ambulatory Patient Data Release
59B-9.030	Purpose of Ambulatory and Emergency Department Patient Data Reporting
59B-9.031	Definitions
59B-9.032	Ambulatory and Emergency Department Data Reporting and Audit Procedures
59B-9.033	Schedule for Submission of Ambulatory and Emergency Department Patient Data and Extensions
59B-9.034	Reporting Instructions
59B-9.035	Certification, Audits, and Resubmission Procedures
59B-9.036	Penalties for Ambulatory Patient Data Reporting and Deficiencies
59B-9.037	Header Record
59B-9.038	Ambulatory Data Elements, Codes and Standards
59B-9.039	Public Records

PURPOSE AND EFFECT: The purpose of amending Chapter 59B-9, F.A.C., is to standardize this rule with Chapter 59E-7, F.A.C., requirements and align current data elements collected

to the uniform bill for institutional facilities (UB-04), as approved by the National uniform Billing Committee (NUBC) effective October 1, 2007. Additional clarification is necessary to refine ambulatory services, inclusion of report deadlines, define resubmission requirements, patient data release, and coincide terminology to national standards.

SUMMARY: Amendment to Chapter 59B-9, F.A.C., will enable standardization between both data sets for requirements that were omitted and/or conflicting with Chapter 59E-7, F.A.C. It will facilitate direct data elements correlation from the UB-04 source document and therefore decrease potential errors introduced by having to re-map elements from the UB-04 to the expired UB-92 source document format. The rule contains report deadlines based on an outdated collection system where facility reports were submitted on mailed diskettes. Current electronic data submission applications expedite the collection process time negating the need for extended time frames. Shortened deadlines will afford quicker data availability to meet the growing demand by researchers and consumers who desire current data access on the consumer website and available for purchase.

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.

RULEMAKING AUTHORITY: 408.15(8), 408.061, 408.08 FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063, 408.07, 408.08(1), (5), (14), 408.15(11), 119.07, 120.53(2)(a) 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 RULES IS: Parick Kennedy at (850)922-5531

THE FULL TEXT OF THE PROPOSED RULES IS:

**AMBULATORY AND EMERGENCY DEPARTMENT DATA COLLECTION**

59B-9.010 Purpose of Ambulatory Patient Data Reporting.  
Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.010, Amended 6-29-95, Amended 12-28-98, 2-25-02, 4-18-04, Repealed 1-1-10.

59B-9.011 Submission of Ambulatory Patient Data.  
Proposed effective date of repeal is January 1, 2010.



Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08 FS. History–New 9-6-93, Formerly 59B-7.011, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, Repealed 1-1-10.

59B-9.013 Definitions.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.013, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, 4-18-04, Repealed 1-1-10.

59B-9.014 Schedule for Submission of Ambulatory Patient Data and Extensions.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.15(11) FS. History–New 9-6-93, Formerly 59B-7.014, Amended 6-29-95, 4-18-04, Repealed 1-1-10.

59B-9.015 Reporting Instructions.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, 1-4-00, 7-11-01, 2-25-02, 4-18-04, Repealed 1-1-10.

59B-9.016 Notice of Reporting Deficiencies and Response.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.006(5), 408.061 FS. History–New 9-6-93, Formerly 59B-7.016, Amended 6-29-95, 7-11-01, Repealed 1-1-10.

59B-9.017 Certification and Audit Procedures.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.08(1), 408.08(5), 408.15(11) FS. History–New 9-6-93, Formerly 59B-7.017, Amended 6-29-95, 7-11-01, Repealed 1-1-10.

59B-9.018 Ambulatory Patient Data Format – Data Elements, Codes and Standards.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.018, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, 4-18-04, Repealed 1-1-10.

59B-9.022 Penalties for Ambulatory Patient Data Reporting Deficiencies.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented ~~408.006(5)~~, 408.061, ~~408.08(14)~~ FS. History–New 9-6-93, Formerly 59B-7.022, Amended 6-29-95, Repealed 1-1-10.

59B-9.023 Ambulatory Patient Data Release.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 119.07, 120.53(2)(a), 408.061 FS. History–New 9-6-93, Formerly 59B-7.023, Amended 6-29-95, Repealed 1-1-10.

59B-9.030 Purpose of Ambulatory and Emergency Department Patient Data Reporting.

The reporting of ambulatory patient data will provide a statewide integrated database that includes hospital based and free standing ambulatory surgery centers, and hospital emergency department services for the assessment of variations in utilization, disease surveillance, access to care and cost trends. The amendments appearing herein are effective with the reporting period starting January 1, 2010.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 1-1-10.

Editorial note: see former rule 59B-9.010.

59B-9.031 Definitions.

(1) “Ambulatory Center.” For the purposes of this rule, an ambulatory center means a freestanding ambulatory surgery center and a short-term acute care hospital facility.

(2) “Ambulatory Surgical Center” means a facility licensed as an ambulatory surgical center under Chapter 395, F.S.

(3) “CPT” means Current Procedural Terminology and refers to a coding system established by the American Medical Association to describe physician services which is published annually in Physicians’ Current Procedural Terminology manual which is incorporated by reference.

(4) “E-code” means a Supplementary Classification of External Causes of Injury and Poisoning ICD-9-CM codes where environmental events, circumstances, and conditions are the cause of injury, poisoning and other adverse effects as specified in the ICD-9-CM or ICD-10-CM manual and the conventions of coding.

(5) “Executive Officer” means a reporting facility’s chief executive officer, chief financial officer, chief operating officer, president, or vice president of the facility in charge of a principal business unit, division or function (administration or finance).

(6) “HCPCS” means Health Care Common Procedure Coding System which is published annually by the United States Department of Health and Human Services and is required by the Federal Government for Medicare reporting purposes.

(7) “Inpatient” means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital.

(8) “NUBC” means National Uniform Billing Committee. A national body that defines the data elements that are reported on the Uniform Bill UB-04 and annually publishes an Official UB-04 Data Specifications Manual.

(9) “NUCC” means the National Uniform Claims Committee. A national body that define the data fields that are reported on the HCFA 1500 which is published annually.

(10) “NPI” means National Provider Identification. A NPI is an unique identification number assigned to a provider by the Centers for Medicare & Medicaid Services.

(11) “Short-Term Acute Care Hospital” means a hospital as defined in Section 395.002(12), F.S.

(12) “Visit” means a face to face encounter between a health care provider and a patient who is not formally admitted as an inpatient in an acute care hospital setting at the time of the encounter or who is not admitted to the same facility’s acute care hospital setting immediately following the encounter as described in subsections 59B-9.032(1) and 59B-9.032(3), F.A.C. Visits which require the patient to appear in an ambulatory setting prior to the actual procedure (even if this occurs one or more days before the procedure) shall be counted as one visit. The admit date in these instances should be the day of the procedure.

(13) ISO 3166 – International Standard for Organization is a standardized list of country names and codes first published in 1974 and updated 2008. ISO 3166 is available at: [http://www.iso.org/iso/english\\_country\\_names\\_and\\_code\\_elements](http://www.iso.org/iso/english_country_names_and_code_elements). Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 1-1-10.

Editorial note: see former rule 59B-9.013.

59B-9.032 Ambulatory and Emergency Department Data Reporting and Audit Procedures.

(1) The following entities shall submit patient data reports to the Agency for Health Care Administration (AHCA or Agency):

(a) All licensed short-term acute care hospitals licensed under Chapter 395, F.S.;

(b) All licensed ambulatory surgical centers as defined in Section 395.002(3), F.S.;

(c) All lithotripsy centers defined in Section 408.07, F.S.;

(d) All cardiac catheterization laboratories defined in Section 408.07, F.S.

(2) Each facility in paragraph (1)(a) above shall submit a separate report for each location per Rule 59A-3.203, F.A.C. Each facility in paragraph (1)(b) above shall submit a separate report for each location per Rule 59A-5.003, F.A.C. Each facility in paragraph (1)(a) or (1)(b) above shall submit a separate report for each separate location.

(3) All ambulatory centers performing the services set forth in Rules 59B-9.030 through 59B-9.039, F.A.C., shall submit ambulatory patient data as set forth in Rules 59B-9.037 and 59B-9.038, F.A.C., unless the reporting entity meets the criteria listed in subsection 59B-9.032(5), F.A.C., below.

(4) Any Ambulatory Surgical Center which has a total of 200 or more patient visits per Rule 59B-9.033, F.A.C., for the reporting period is required to report data as set forth in Rules 59B-9.037 and 59B-9.038, F.A.C.

(5) Ambulatory Surgical Centers with fewer than 200 patient visits in a quarter, must have the entity’s chief executive officer or director to certify to the Agency in writing, that the ambulatory center has fewer than 200 patient visits per Rule 59B-9.033, F.A.C., for the reporting period, and the certification is to be received at the Agency office in Tallahassee on or prior to the deadline for submission of the report. This is not a onetime letter, but must be submitted for each quarter where there were fewer than 200 visits.

(6) Upon notification by the Agency staff, all facilities shall provide access to all required information from the medical records and billing documents underlying and documenting the ambulatory patient data submitted, as well as other patient related documentation deemed necessary by the Agency to conduct complete ambulatory patient data audits subject to the limitations as set forth in Section 408.061(1)(d), F.S. No patient records that support patient data are exempt from disclosure to AHCA for audit purposes. Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08, 408.15(11) FS. History–New 1-1-10.

Editorial note: see former rule 59B-9.011.

59B-9.033 Schedule for Submission of Ambulatory and Emergency Department Patient Data and Extensions.

(1) Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, Ambulatory Centers and Emergency Departments shall report patient data according to the provisions in Rules 59B-9.030 through 59B-9.039, F.A.C.

(a) Each report covering patient visits ending between January 1 and March 31, inclusive of each year, shall be submitted no later than June 10 of the calendar year during which the visit occurred. This is considered to be the first quarter, regardless of the facility fiscal year. First quarter reports must be certified by August 31 of the same calendar year.

(b) Each report covering patient visits ending between April 1 and June 30, inclusive of each year, shall be submitted no later than September 10 of the calendar year during which the visit occurred. This is considered to be the second quarter, regardless of the facility fiscal year. Second quarter reports must be certified by November 30 of the same calendar year.

(c) Each report covering patient visits ending between July 1 and September 30, inclusive of each year, shall be submitted no later than December 10 of the calendar year during which the visit occurred. This is considered to be the third quarter, regardless of the facility fiscal year. Third quarter reports must be certified by February 28 of the following calendar year.

(d) Each report covering patient visits ending between October 1 and December 31, inclusive of each year, shall be submitted no later than March 10 of the calendar year following the year in which the visit occurred. This is considered to be the fourth quarter, regardless of the facility fiscal year. Fourth quarter reports must be certified by May 31 of the next calendar year.

(2) Extensions to the initial due dates in subsection 59B-9.033(1), F.A.C., above shall be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or Agency designee for a maximum of thirty (30) days from the initial submission due date in response to a written request signed by the hospital's chief executive officer, ambulatory center director or authorized executive officer designee if received prior to the initial due date, and provided that the delay is due to unforeseen factors beyond the control of the reporting facility. These factors must be specified in the letter requesting the extension together with documentation of efforts undertaken to meet the filing requirements. Extensions shall not be granted verbally.

(3) Failure to file the report on or before the initial submission due date as specified in paragraphs 59B-9.033(1)(a)-(d), F.A.C., without an extension, and failure to correct a report which has been filed but contains errors or deficiencies by the certification deadline is punishable by fine pursuant to Rule 59B-9.036, F.A.C. The agency shall send a notification of errors or deficiencies by certified mail, electronic mail, or fax. Rejected reports must be corrected, resubmitted and certified by the certification due date.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.08(1)(2), 408.15(11) FS. History—New 1-1-10.

Editorial note: see former rule 59B-9.014.

#### 59B-9.034 Reporting Instructions.

(1) Ambulatory centers shall report data for:

(a) All non-emergency visits for surgical procedures or services performed in the operating room, ambulatory surgical care, cardiology (cardiac catheterization and percutaneous transluminal coronary angioplasty (PTCA)), gastro intestinal, extra-corporeal shock wave treatment (lithotripsy) surgery, and endoscopy corresponding to the following Current Procedural Terminology (CPT) and corresponding HCPCS Codes.

1. 10021 through 69999. Includes, but not limited to, surgery, cardiac catheterization, endoscopy procedures, and lithotripsy.

2. 92980 through 92998 and 93500 through 93599. Includes percutaneous transluminal coronary angioplasty (PTCA) and Cardiac Catheterization.

3. Exclude visits where the primary reason for the visit is venipuncture for laboratory services.

(2) Emergency Departments shall report an Emergency Department Evaluation and Management Procedure code representing the patient's acuity as part of the emergency department visit.

(a) Report all emergency department visits in which emergency department registration occurs for the purpose of seeking emergency care services, including observation, and the patient is not admitted for inpatient care at the reporting entity.

(b) An ED visit occurs even if the only service provided to a registered patient is triage or screening. If a registered patient leaves prior to being seen by a physician, report the discharge status as "07" "AMA/discontinued care" and charges if incurred. Report zero if charges are not incurred.

(c) Do not include visits for registrations that occur in the Emergency Department when the hospital central registration department is closed unless emergency services are provided.

(3) Hospitals shall exclude records of any patient visit in which the outpatient and inpatient billing record is combined because the patient was admitted to inpatient care within a facility at the same location per Rule 59A-3.203, F.A.C. Report one record for each visit, except pre-operation visits may be combined with the record of the associated ambulatory surgery visit. See subsection 59B-9.031(13), F.A.C.

(4) For each patient visit, ambulatory centers shall report all services provided using procedural codes specified in subsections 59B-9.037 and 59B-9.038, F.A.C.

(5) Beginning with the Ambulatory data report for the 1st quarter of the year 2010, reporting facilities must submit a zipped outpatient XML file by Internet according to the specifications in paragraphs (a) through (c) below unless reporting by CD-ROM is approved by the Agency in a case of extraordinary or hardship circumstances.

(a) Internet Transmission. The Internet address for receipt of ambulatory patient data is <https://ahcaxnet.fdhc.state.fl.us/patientdata>.

(b) Reports sent to the Internet address shall be electronically transmitted with the zipped ambulatory data in a XML file using the Ambulatory Patient Data XML Schema available at <http://ahca.myflorida.com/xmlschemas/asc22.xsd>.

(c) The Ambulatory Patient Data XML Schema is incorporated by reference. The data in the XML file shall contain the data elements, codes and standards required in Rules 59B-9.037 and 59B-9.038, F.A.C.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 1-1-10.

Editorial note: see former rule 59B-9.015.

59B-9.035 Certification, Audits, and Resubmission Procedures.

(1) All ambulatory centers submitting data in compliance with Rules 59B-9.030 through 59B-9.039, F.A.C., shall certify that the data submitted for each quarter period is accurate, complete and verifiable using Certification Form for Ambulatory Patient Data AHCA Form APD1, dated 7/1/95 and incorporated by reference. The completed certification form shall be submitted to the Agency for Health Care Administration, 2727 Mahan Drive, MS #16, Tallahassee, Florida 32308, Attention: Florida Center for Health Information and Policy Analysis or by facsimile to the Agency's office, or a scanned certification submitted by electronic mail.

(2) Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, facilities not certified within five (5) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule 59B-9.036, F.A.C. Extensions to this five (5) month period may be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee, for a maximum of 30 days following the certification due date in response to a written request signed by the facilities chief executive officer, ambulatory center director or authorized executive officer designee. A facility will not be penalized for delays caused by AHCA which is documented by the reporting facility to include on-line reporting system downtime or delays in receipt of reports from AHCA.

(3) Changes or corrections to certified data will be accepted from facilities to improve their data quality for a period of eighteen (18) months following the initial submission due date. The Administrator, Office of Data Collection and Quality Assurance or designee may grant approval for resubmitting previously certified data in response to a written request signed by the facility's chief executive officer, Ambulatory Center director or authorized executive officer designee. The written request must specify the reason for the corrections or changes, explain the cause contributing to the inaccurate reporting, describe a corrective action plan to prevent future errors, the total number of records affected by quarters and years, the data type and the date that the replacement file will be submitted to the Agency. Any changes to a facility's data after this eighteen-month period shall be subject to penalties pursuant to Rule 59B-9.036, F.A.C. Resubmission of previously certified data must be certified within thirty (30) days following receipt of the data file from the facility.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08, 408.15(11) FS. History--New 1-1-10.

Editorial note: see former rule 59B-9.017.

59B-9.036 Penalties for Ambulatory Patient Data Reporting and Deficiencies.

(1) For purposes of this rule, a report or other information is "incomplete" when it does not contain all data required by the Agency in this rule and in forms incorporated by reference or when it contains inaccurate data. The Agency shall to the extent practical, apply the same audit standards and use the same audit procedures for all facility's or audit a random sample of facility's. The Agency will notify each facility of any possible errors discovered by audit and request that the facility either correct the data or verify that the data is complete and correct. A report or other information is "false" if done or made with the knowledge of the preparer or an administrator that it contains information or data which is not true or accurate.

(2) An ambulatory center which refuses to file, fails to timely file or files false or incomplete reports or other information required to be filed under the provisions of Section 408.08, F.S. other Florida Law, or a rule adopted there under, shall be subject to administrative fines pursuant to Section 408.08, F.S. Failure to comply with reporting requirements will also result in the referral of a facility to the Agency's Bureau of Health Facility Regulation.

(3) Notifications will be sent to reporting facilities who do not submit their data file by the initial due date as specified in Rule 59B-9.033, F.A.C.

(4) The penalty period will begin on the first calendar day following the initial due date and the first calendar day following the certification due date for purposes of penalty assessments.

(5) Any ambulatory center which is delinquent for a reporting deficiency other than submission of a false report shall be subject to a fine of \$100 per day of violation for the first violation, \$350 per day of violation for the second violation, and \$1,000 per day of violation for the third or subsequent violations to be fixed, imposed, and collected by the Agency. Any ambulatory center which files a false report with the Agency or provides false information to the Agency shall be subject to a fine of \$1,000 per day to be fixed, imposed and collected by the Agency. Violations will be considered those activities which necessitate the issuance of an administrative complaint by the Agency unless the administrative complaint is withdrawn or final order dismissing the administrative complaint is entered. All fines are to be fixed, imposed and collected by the Agency. Any ambulatory center which files a false report with the Agency or provides false information to the Agency shall be subject to a fine of \$1000 per day, in addition to any other fine imposed hereunder. The fine shall be fixed, imposed and collected by the Agency.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.08, 408.061 FS. History—New 1-1-10.

Editorial note: see former rule 59B-9.022 and 59B-9.016.

#### 59B-9.037 Header Record.

Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, the first record in the data file shall be a header record, containing the information described below.

(1) Transaction Code. Enter Q for a calendar quarter report. A required field.

(2) Report Year. Enter the year of the data in the format YYYY.

(3) Report Quarter. Enter the quarter of the data, 1, 2, 3 or 4, where 1 corresponds to the first quarter of the calendar year, 2 corresponds to the second quarter of the calendar year, 3 corresponds to the third quarter of the calendar year, and 4 corresponds to the fourth quarter of the calendar year.

(4) Data Type. Enter AS10-1 for Ambulatory Data and Emergency Department Data.

(5) Submission Type. Enter I or R where I indicates an initial submission of a data file or resubmission of a data file prior to certification and R indicates a replacement submission of previously certified patient data where resubmission has been requested or authorized by the Agency. A required entry.

(6) Processing Date. Enter the date that the data file was created in the format YYYY-MM-DD where MM represents numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits.

(7) AHCA Facility Number. Enter the identification number of the ambulatory center as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight digits and no more than 10 digits.

(8) Medicare Number. Enter the Medicare number of the facility as assigned by Centers for Medicare & Medicaid Services (CMS). A valid identification number must contain seven (7) numeric digits. A required field.

(9) Organization Name. Enter the name of the ambulatory center that performed the ambulatory services represented by the data, and which is responsible for reporting the data. All questions regarding data accuracy and integrity will be referred to this entity. Up to a forty character field.

(10) Contact Person Name. Enter the name of the contact person at the ambulatory center. Submit name in the Last, First format. Up to a twenty-five character field.

(11) Contact Person Telephone Number. The area code, business telephone number, and if applicable, extension for the contact person. Enter the contact person telephone number in the numeric format (AAA)XXX-XXXX-EEEE where AAA is the area code, and EEEEE is the extension. Blank fill if no extension.

(12) Contact Person E-Mail Address. The e-mail address of the contact person.

(13) Contact Person Street or P. O. Box Address. Enter the Street or Post Office Box address of the contact person. Up to a forty character field.

(14) Mailing Address City. Enter the city of the address of the contact person. Up to a twenty-five character field.

(15) Mailing Address State. Enter the state of the address of the contact person using the U.S. Postal Service state abbreviation in the format XX. Use the abbreviation FL for Florida.

(16) Mailing Address Zip Code. Enter the numeric zip code of the address of the contact person in the format XXXXX-XXXX. Blank fill if no extension.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 1-1-10.

Editorial note: see former rule 59B-9.018.

#### 59B-9.038 Ambulatory Data Elements, Codes and Standards.

Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, all data elements and data element codes listed below shall be reported. All facilities submitting data in compliance with Rules 59B-9.030 through 59B-9.039, F.A.C., shall report the following required data elements as stipulated by the Agency and described in the Official Data Specifications Manual published by the NUBC and NUCC.

(1) AHCA Facility Number. An identification number assigned by AHCA for reporting purposes. The number must match the facility number recorded on the header record. A valid identification number must contain at least eight digits and no more than 10 digits. A required entry.

(2) Patient Control Number. An alpha-numeric code containing standard letters or numbers assigned by the facility as a unique identifier for each record submitted in the reporting period to facilitate retrieval of individual's account of services (accounts receivable) containing the financial billing records and any postings of payment. Up to twenty four (24) characters. A required field. Duplicate patient control numbers are not permitted. The facility must maintain a key list to locate actual records upon request by AHCA.

(3) Medical or Health Record Number. An alpha-numeric code assigned to the patient's medical or health record by the facility. The medical/health record number references a file that contains the history of treatment. It should not be substituted for the Patient Control Number which is the financial record associated with a visit. Up to twenty four (24) characters. A required field.

(4) Patient Social Security Number. The social security number (SSN) of the patient. A nine digit field to facilitate retrieval of individual case records, to be used to track multiple

patient visits, and for medical research. Reporting 77777777 is acceptable for those patients where efforts to obtain the SSN have been unsuccessful or the patient is under two (2) years of age and does not have a SSN or for patients who are non-U.S. citizens who have not been issued SSNs. If only the last four digits of a patient's SSN are known, report 7777XXXX where XXXX represent the last known four digits of the patient SSN. A required entry.

(5) Patient Ethnicity. Self-designated by the patient, patient's parent or guardian. Use "Unknown" where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. The patient's ethnic background shall be reported as one choice from the following list of alternatives. A required entry. Must be a two (2) digit code as follows:

a. E1 = Hispanic or Latino. A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

b. E2 = Non-Hispanic or Latino. A person not of any Spanish culture or origin.

c. E7 = Unknown.

(6) Patient Race. Self-designated by the patient, patient's parent or guardian. Use "Unknown" where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. The patient's racial background shall be reported as one choice from the following list of alternatives. A required entry. Must be a one (1) digit code as follows:

(a) 1 – American Indian or Alaskan Native. A person having origins in any of the original peoples of North and South America (including Central America) America, and who maintains cultural identification through tribal affiliation or community recognition.

(b) 2 – Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent. This area includes, for example, Cambodia, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(c) 3 – Black or African American. A person having origins in any of the black racial groups of Africa.

(d) 4 – Native Hawaiian or other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(e) 5 – White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

(f) 6 – Other. Any other possible options not covered in the above categories, including a patient who has more than one race.

(g) 7 – Unknown. Use if the patient refuses or fails to disclose.

(7) Patient Birth Date. The date of birth of the patient. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD

represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Unknown birthdates should use the default of 1880-01-01 where efforts to obtain the patient's birth date have been unsuccessful. A birth date after the patient visit ending date is not permitted. A required entry.

(8) Patient Sex – The patient sex at the time of admission. A required entry. Alpha characters must be in upper case. Must be a one (1) digit code as follows:

1. M – Male.

2. F – Female.

3. U – Unknown. Use where efforts to obtain the information have been unsuccessful or where the patient's sex cannot be determined due to a medical condition.

(9) Patient Zip Code. The five digit United States Postal Service ZIP Code of the patient's address. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry.

(10) Patient Country Code. The country code of residence. A two (2) digit upper case alpha code from the Code for Representation of Names of Countries, ISO 3166 or latest release. A required entry for type of service "2". Use 99 where the country of residence is unknown, or where efforts to obtain the information have been unsuccessful, or if type of service is "1".

(11) Type of Service Code. A code designating the type of service, either ambulatory surgery or emergency department visit. A required entry. Must be a one (1) digit code as follows:

(a) 1 – Ambulatory surgery, as described in subsection 59B-9.034(1), F.A.C.

(b) 2 – Emergency department visit, as described in subsection 59B-9.034(2), F.A.C.

(12) Source or Point of Origin of Admission. Must be a one (1) character alpha code or two (2) digit numeric code indicating the direct source or point of patient origin for this visit. A required entry if type of service is "2". Zero fill if type of service is "1". Alpha characters must use upper case.

(a) 01 – Non-health care facility source of origin – Include patients coming from home, physician office or workplace. The patient presents to this facility with an order from a physician for services or seeks scheduled services for which an order is not required. Includes non-emergent self-referrals.

(b) 02 – Clinic. The patient was referred to this facility for outpatient or referenced diagnostic procedures.

(c) 04 – Transfer from a hospital. The patient was transferred to this facility as an outpatient from an acute care facility. Transfer must be from a different hospital.

(d) 05 – Transfer from a Skilled Nursing Facility (SNF) or Intermediate Care Facility (ICF). The patient was referred to this facility as a transfer from a SNF or ICF where the patient was a resident.

(e) 06 – Transfer from another health care facility. The patient was referred to this facility for services by (a physician of) another health care facility not defined elsewhere in this code list where he or she was an inpatient or outpatient.

(f) 07 – Emergency Room. The patient received unscheduled services in this facility's emergency department and discharged without an inpatient admission. Includes self-referrals in emergency situations that require immediate medical attention. Excludes patients who came to the emergency room from another health care facility.

(g) 08 – Court/Law Enforcement. The patient was referred to this facility upon the direction of a court of law, or upon the request of a law enforcement agency representative for outpatient or referenced diagnostic services. Includes transfers from incarceration facilities.

(h) 09 – Information Not Available. The means by which the patient was referred to this hospital's outpatient department is not known.

(i) D – Transfer from one distinct unit of the hospital to another distinct unit of the same hospital resulting in a separate claim. The patient received outpatient services in this facility as a transfer from within this hospital resulting in a separate claim to the payer.

(j) E – Transfer from Ambulatory Surgery Center. The patient was referred to this facility for outpatient or referenced diagnostic services from an ambulatory surgery center.

(k) F – Transfer from hospice and under a hospice plan of care or enrolled in a hospice program. The patient was referred to this facility for outpatient or referenced diagnostic services from a hospice.

(13) Principal Payer Code. Describes the primary source of expected reimbursement for services rendered based on the patient's status at the time of reporting. A required entry. Must be a one (1) character alpha field using upper case as follows:

(a) A – Medicare. Patients covered by Medicare where Centers for Medicare & Medicaid Services is the direct payer.

(b) B – Medicare Managed Care. Patients covered by Medicare Advantage plans, Medicare HMO, Medicare PPO, Medicare Private Fee for Service or any other type of Medicare plan where Centers for Medicare & Medicaid Services is not the direct payer.

(c) C – Medicaid. Patients covered by state administered, non-managed Florida Medicaid. This would include those Medicaid recipients enrolled in MediPass.

(d) D – Medicaid Managed Care. Patients covered by Medicaid HMOs, Medicaid provider sponsored networks (PSNs) or other Medicaid funded plans that are licensed in the state of Florida. This would include any type of program where the patient qualifies for Medicaid but payment is not directly from the State of Florida Medicaid program regardless of whether the hospital has a contract with that plan.

(e) E – Commercial Health Insurance. Patients covered by any type of private coverage, including HMO, PPO or self-insured plans.

(f) H – Workers Compensation. Patients covered by any type of workers compensation plan, including self insured plans, managed care plans or the State of Florida sponsored workers compensation plan.

(g) I – TriCare or Other Federal Government. Patients covered by any federal government program for active and retired military and their families; Black Lung, Section 1011; the Federal Prison System; or any other federal program.

(h) J – VA. Patients covered by the Veteran's Administration.

(i) K – Other State/Local Government. Patients covered by a state program or local government that does not fall into any of the payer categories listed. This would include those covered by the Florida Department of Corrections or any county or local corrections department, patients covered by county or local government indigent care programs if the reimbursement is at the patient level; any out-of-state Medicaid programs and county health departments or clinics.

(j) L – Self Pay. Patients with no insurance coverage.

(k) M – Other. This would include patients covered by any other type of payer not meeting the descriptions in a-k above or m-n below.

(l) N – Non-Payment. Includes charity, professional courtesy, no charge, research/clinical trial, refusal to pay/bad debt, Hill Burton free care, research/donor that is known at the time of reporting.

(m) O – KidCare. Includes Healthy Kids, MediKids and Children's Medical Services.

(n) P – Unknown. Unknown shall be reported if principal payer information is not available and type of service is "2" and patient status is "07".

(o) Q – Commercial Liability Coverage. Patients whose health care is covered under a liability policy, such as automobile, homeowners or general business.

(14) Principal Diagnosis Code. The code representing the diagnosis chiefly responsible for the services performed during the visit. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is "1" indicating ambulatory surgery. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is "2" indicating an emergency department visit unless patient status is "07" indicating that the patient left against medical advice or discontinued care. A blank field is permitted if type of service is "2" and patient status is "07." If not space filled, must contain a valid ICD-9-CM diagnosis code or valid ICD-10-CM diagnosis code for the reporting period. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with a

decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(15) Other Diagnosis Code (1), Other Diagnosis (2), Other Diagnosis (3), Other Diagnosis (4), Other Diagnosis (5), Other Diagnosis (6), Other Diagnosis (7), Other Diagnosis (8), Other Diagnosis (9). A code representing a diagnosis related to the services provided during the visit. If no principal diagnosis code is reported, another diagnosis code must not be reported unless the patient discharge status is "07" indicating that the patient left against medical advice or discontinued care. No more than nine other diagnosis codes may be reported. Less than nine entries is permitted. If not space filled, must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(16) Evaluation and Management Code (1), Evaluation and Management Code (2), Evaluation and Management Code (3), Evaluation and Management Code (4), Evaluation and Management Code (5). A code representative of the patient acuity level for the services provided. If type of service is "2", must contain a valid Evaluation and Management (EM) Code range 99281-99285; 99288; 99291-99292; and G0380-G0384, even if the only service provided to a registered patient is triage or screening. If patient discharge status is "07" meaning the patient left against medical advice or discontinued care, or where a visit occurs resulting in zero charges, enter default code 99999 to indicate that the patient was not evaluated by a physician. No more than five EM codes may be reported. Less than five entries is permitted. A required field.

(17) Other CPT or HCPCS Procedure Code (1), Other CPT or HCPCS Procedure Code (2), Other CPT or HCPCS Procedure Code (3), Other CPT or HCPCS Procedure Code (4), Other CPT or HCPCS Procedure Code (5), Other CPT or HCPCS Procedure Code (6), Other CPT or HCPCS Procedure Code (7), Other CPT or HCPCS Procedure Code (8), Other CPT or HCPCS Procedure Code (9), Other CPT or HCPCS Procedure Code (10), Other CPT or HCPCS Procedure Code (11), Other CPT or HCPCS Procedure Code (12), Other CPT or HCPCS Procedure Code (13), Other CPT or HCPCS Procedure Code (14), Other CPT or HCPCS Procedure Code (15), Other CPT or HCPCS Procedure Code (16), Other CPT or HCPCS Procedure Code (17), Other CPT or HCPCS Procedure Code (18), Other CPT or HCPCS Procedure Code (19), Other CPT or HCPCS Procedure Code (20), Other CPT or HCPCS Procedure Code (21), Other CPT or HCPCS Procedure Code (22), Other CPT or HCPCS Procedure Code (23), Other CPT or HCPCS Procedure Code (24), Other CPT or HCPCS Procedure Code (25), Other CPT or HCPCS Procedure Code (26), Other CPT or

HCPCS Procedure Code (27), Other CPT or HCPCS Procedure Code (28), Other CPT or HCPCS Procedure Code (29), Other CPT or HCPCS Procedure Code (30). A code representing a procedure or service provided during the patient visit. If not space filled, must be a valid CPT or HCPCS code for the reporting period. Alpha characters must be in upper case. No more than thirty (30) other CPT or HCPCS procedure codes may be reported. Less than thirty (30) entries or no entry is permitted.

(18) Attending Practitioner Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who had primary responsibility for the patient's care during the visit. An alpha-numeric field of up to eleven characters, alpha characters must be in upper case. For military physicians not licensed in Florida, use US999999999. Use NA if the patient was not treated by a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner. A required entry.

(19) Attending Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider. A required entry for providers in the US or its territories and providers not in the US or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 9999999999.

(20) Operating or Performing Practitioner Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who had primary responsibility for the principal procedure performed. The operating or performing practitioner may be the attending practitioner. An alpha-numeric field of up to eleven characters, alpha characters must be in upper case. For military physicians not licensed in Florida, use US999999999. Use NA if the patient was not treated by a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner. A required entry. A blank or no entry is permitted if a principal procedure is not reported.

(21) Operating or Performing Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider. A required entry for providers in the US or its territories and providers not in US or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 9999999999.

(22) Other Operating or Performing Practitioner Identification Number. The Florida license number of a different operating or performing practitioner. Report a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who



rendered care to the patient other than the person reported in paragraph (19) or (21) above. An alpha-numeric field of up to eleven characters, alpha characters must be in upper case. For military physicians not licensed in Florida, use US99999999. A blank or no entry is permitted.

(23) Other Operating or Performing Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider. A required entry for providers in the US or its territories and providers not in US or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 999999999.

(24) Pharmacy Charges. Charges for medication. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no pharmacy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(25) Medical and Surgical Supply Charges. Charges for supply items required for patient care. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no medical and surgical supply charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(26) Laboratory Charges. Charges for the performance of diagnostic and routine clinical laboratory tests. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no laboratory charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(27) Radiology and Other Imaging Charges. Charges for the performance of diagnostic and therapeutic radiology services including computed tomography, mammography, magnetic resonance imaging, nuclear medicine, and chemotherapy administration of radioactive substances. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no radiology or computed tomography charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(28) Cardiology Charges (Cardiac Cath). Charges for cardiac procedures rendered such as heart catheterization. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no cardiology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(29) Operating Room Charges. Charges for the use of the operating room. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report

0 (zero) if there are no operating room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(30) Anesthesia Charges. Charges for anesthesia services by the facility. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no anesthesia charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(31) Recovery Room Charges. Charges for the use of the recovery room. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no recovery room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(32) Emergency Room Charges. Charges for medical examinations and emergency treatment. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no emergency room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(33) Trauma Response Charges. Charges for a trauma team activation at a State of Florida licensed Trauma Center. Report charges for revenue code 68X used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no trauma response charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(34) Treatment or Observation Room Charges. Charges for use of a treatment room or for the room charge associated with observation services. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no treatment or observation room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(35) Gastro-Intestinal (GI) services. Charges for gastro-intestinal procedures rendered such as colonoscopy and endoscopy services. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no GI charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(36) Extra-Corporeal Shock Wave Therapy (Lithotripsy). Charges for Extra-Corporeal Shock Wave Therapy (Lithotripsy) procedures. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no Lithotripsy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(37) Other Charges. Other facility charges not included in paragraphs (24) to (36) above. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no other charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(38) Total Gross Charges. The total of undiscounted charges for services rendered by the reporting entity. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Include charges for services rendered by the ambulatory center excluding professional fees. Negative amounts are not permitted unless verified separately by the reporting entity. The sum of pharmacy charges, medical and surgical supply charges, laboratory charges, radiology and other imaging charges, cardiology charges, operating room charges, anesthesia charges, recovery room charges, emergency room charges, treatment or observation room charges, Gastro-Intestinal (GI) services, Extra-Corporeal Shock Wave Therapy (Lithotripsy), and other charges must equal total charges, plus or minus 13. A required entry.

(39) Patient Visit Beginning Date. The date at the beginning of the patient's visit for ambulatory surgery or the date at the time of registration in the emergency department. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Patient visit beginning date must equal or precede the patient visit ending date. A required entry.

(40) Patient Visit Ending Date. The date at the end of the patient's visit. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Patient visit ending date must equal or follow the patient visit beginning date. Patient visit ending date must occur within the calendar quarter included in the data report. A blank field is not permitted unless type of service is "2" indicating an emergency department visit and patient status is "07" indicating the patient left against medical advice or discontinued care.

(41) Hour of Arrival. The hour on a 24-hour clock during which the patient's visit for ambulatory surgery began or during which registration in the emergency department occurred. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

AM HOURS

1. 00 – 12:00 midnight to 12:59:59
2. 01 – 01:00 to 01:59:59
3. 02 – 02:00 to 02:59:59
4. 03 – 03:00 to 03:59:59
5. 04 – 04:00 to 04:59:59

6. 05 – 05:00 to 05:59:59
  7. 06 – 06:00 to 06:59:59
  8. 07 – 07:00 to 07:59:59
  9. 08 – 08:00 to 08:59:59
  10. 09 – 09:00 to 09:59:59
  11. 10 – 10:00 to 10:59:59
  12. 11 – 11:00 to 11:59:59
- PM HOURS

13. 12 – 12:00 noon to 12:59:59
14. 13 – 01:00 to 01:59:59
15. 14 – 02:00 to 02:59:59
16. 15 – 03:00 to 03:59:59
17. 16 – 04:00 to 04:59:59
18. 17 – 05:00 to 05:59:59
19. 18 – 06:00 to 06:59:59
20. 19 – 07:00 to 07:59:59
21. 20 – 08:00 to 08:59:59
22. 21 – 09:00 to 09:59:59
23. 22 – 10:00 to 10:59:59
24. 23 – 11:00 to 11:59:59
25. 99 – Unknown.

(42) ED Hour of Discharge. The hour on a 24-hour clock during which the patient left the emergency department. A required entry. Use 99 where efforts to obtain the information have been unsuccessful or type of service is "1". Must be two digits as follows:

AM HOURS

1. 00 – 12:00 midnight to 12:59:59
2. 01 – 01:00 to 01:59:59
3. 02 – 02:00 to 02:59:59
4. 03 – 03:00 to 03:59:59
5. 04 – 04:00 to 04:59:59
6. 05 – 05:00 to 05:59:59
7. 06 – 06:00 to 06:59:59
8. 07 – 07:00 to 07:59:59
9. 08 – 08:00 to 08:59:59
10. 09 – 09:00 to 09:59:59
11. 10 – 10:00 to 10:59:59
12. 11 – 11:00 to 11:59:59

PM HOURS

13. 12 – 12:00 noon to 12:59:59
14. 13 – 01:00 to 01:59:59
15. 14 – 02:00 to 02:59:59
16. 15 – 03:00 to 03:59:59
17. 16 – 04:00 to 04:59:59
18. 17 – 05:00 to 05:59:59
19. 18 – 06:00 to 06:59:59
20. 19 – 07:00 to 07:59:59
21. 20 – 08:00 to 08:59:59
22. 21 – 09:00 to 09:59:59

23. 22 – 10:00 to 10:59:59

24. 23 – 11:00 to 11:59:59

25. 99 – Unknown.

(43) Patient's Reason for Visit ICD-CM Code (Admitting Diagnosis). The code representing the patient's chief complaint or stated reason for seeking care. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period if type of service is "2" indicating an emergency department visit. If not space filled, must contain a valid ICD-9-CM or ICD-10-CM diagnosis code. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Space fill if type of service is "1" indicating ambulatory surgery. Alpha characters must be in upper case.

(44) Principal ICD-CM Procedure Code. The code representing the procedure or service most related to the principal diagnosis. A blank field is permitted if type of service is "1" indicating ambulatory surgery. A blank or no entry is permitted consistent with the records of the reporting entity if type of service is "2" indicating an emergency department visit. Must contain a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(45) Other ICD-CM Procedure Code (1), Other ICD-CM Procedure Code (2), Other ICD-CM Procedure Code (3), Other ICD-CM Procedure Code (4) – A code representing a procedure or service provided during the visit. If no principal ICD-CM procedure is reported, another ICD-CM procedure code must not be reported unless the patient status is "07" indicating the patient left against medical advice or discontinued care. No more than four other ICD-CM procedure codes may be reported. A blank or no entry is permitted if type of service is "1." Less than four or no entry is permitted if type of service is "2." Must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(46) External Cause of Injury Code. External Cause of Injury Code (1), External Cause of Injury Code (2) and External Cause of Injury Code (3). A code representing circumstances or conditions as the cause of the injury, poisoning or other adverse effects recorded as a diagnosis. Assign the appropriate E-code for all initial encounters or treatments, but not for subsequent occurrences. A Place of Occurrence E-code (E849.X) should be included to describe where the event occurred if documented in the patient medical history. No more than three (3) external cause of injury codes may be reported. Less than three (3) or no entry is permitted. If not space filled, must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause

of injury code cannot be used more than once for each encounter reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(47) Service Location. A code designating services performed at an offsite emergency department location at facilities whose license includes a "offsite" emergency department. For type of service "2", enter an upper case "A" for services performed at the offsite emergency department location. No entry is permitted if type of service is "1" or for hospitals without an offsite emergency department location.

(48) Patient disposition at end of visit. – Patient Status. A required entry. Must be a two (2) digit code as follows:

(a) 01 – Discharged to home or self care (routine discharge).

(b) 02 – Transferred to a short-term general hospital for inpatient care.

(c) 03 – Transferred to a skilled nursing facility with Medicare certification in anticipation of skilled care.

(d) 04 – Transferred to an intermediate care facility.

(e) 05 – Transferred to a designated cancer center or Children's Hospital.

(f) 06 – Discharged to home under care of home health care organization service in anticipation of covered skilled care.

(g) 07 – Left against medical advice or discontinued care.

(h) 20 – Expired.

(i) 50 – Discharged to hospice – home.

(j) 51 – Transferred to hospice. Hospice medical facility (certified) providing hospice level of care.

(k) 62 – Transferred to an Inpatient Rehabilitation Facility (IRF) including rehabilitation distinct part units of a hospital.

(l) 63 – Discharged or transferred to a Medicare certified long term care hospital.

(m) 64 – Discharged or transferred to a Nursing Facility certified under Medicaid but not certified under Medicare.

(n) 65 – Discharged or transferred to a psychiatric hospital including psychiatric distinct part units of a hospital.

(o) 66 – Discharged or transferred to a Critical Access hospital.

(p) 70 – Discharged or transferred to another type of health care institution not defined elsewhere in this code list.

(49) Trailer Record: The last record in the data file shall be a trailer record and must accompany each data set. Report only the total number of patient data records contained in the file, excluding header and trailer records. The number entered must equal the number of records processed. Do not include leading zero's.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 1-1-10.

Editorial note: see former rule 59B-9.018.

**59B-9.039 Public Records.**

(1) Agency records, public records under Chapter 119, F.S., (Florida’s Public Records Law), are available for public inspection during normal business hours. Copies of such records may be obtained upon request and upon payment of the cost of copying.

(2) Patient-specific records collected by the Agency pursuant to Rules 59B-9.030 through 59B-9.039, F.A.C., are exempt from disclosure pursuant to Section 408.061(7), F.S., and shall not be released unless modified to protect patient confidentiality as described in paragraph (2)(a) below and released in the manner described in paragraphs (2)(c) and (2)(d).

(a) The patient-specific record shall be modified to protect patient confidentiality as follows:

- |   |  |
|---|--|
| <u>1. Patient Control Number</u>          | <u>Delete or Substitute Sequential Number</u>  |
| <u>2. Patient Social Security Number</u>  | <u>Delete or Substitute a Record Linkage Number</u>  |
| <u>3. Patient Birth Date</u>              | <u>Substitute Age in years and an indicator of Age &lt;29 Days except for persons 100 and older, substitute Age &gt; 100 years</u> |
| <u>4. Visit Date</u>                      | <u>Substitute Quarter Indicator (1-4)</u>  |
| <u>5. Medical or Health Record Number</u> | <u>Substitute Sequential Number</u>  |

(b) A record linkage number shall be assigned which does not identify an individual patient and cannot reasonably be used to identify individual patients through use of data available through the Agency.

(c) The modified data records described in paragraph (2)(a) shall be released as a set of all records occurring in one calendar quarterly period based on date of visit.

(d) The modified data described in paragraph (2)(a) shall be released in accordance with the Limited Data Set requirements of the federal Health Insurance Portability and Accountability Act and shall be made available on or after quarterly data has been certified as accurate by the facility as required by Section 408.061(1)(a), F.S.

(3) Aggregate reports derived from patient-specific records collected pursuant to Rules 59B-9.030 through 59B-9.038, F.A.C., are public records and shall be released as described in subsections (1) and (4) of this rule, provided the aggregate reports do not include patient control number, patient birth date, visit date, patient social security number, medical or health record number or provided the aggregate reports contain the combination of five or more records for any data disclosed.

(4) Requests shall be submitted by users sufficiently in advance to permit the staff to respond without disruption of its duties as provided in Section 119.07(1)(b), F.S. Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.15(8) FS. Law Implemented 119.07, 120.53(2)(a), 408.061 FS. History–New 1-1-10.

Editorial note: see former rule 59B-9.023.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Patrick Kennedy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, AHCA Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
59E-7.011	Definitions
59E-7.012	Inpatient Data Reporting and Audit Procedures
59E-7.013	Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies
59E-7.014	Inpatient Data Format – Data Elements, Codes and Standards
59E-7.015	Public Records
59E-7.016	General Provisions
59E-7.020	Purpose of Inpatient Data Reporting
59E-7.021	Definitions
59E-7.022	Inpatient Data Reporting and Audit Procedures
59E-7.023	Schedule for Submission of Inpatient Data and Extensions
59E-7.024	Reporting Instructions
59E-7.025	Certification, Audits and Resubmission Procedures
59E-7.026	Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies
59E-7.027	Header Record
59E-7.028	Inpatient Data Elements, Codes and Standards
59E-7.029	Public Records
59E-7.030	General Provisions
59E-7.201	Submission of Comprehensive Inpatient Rehabilitation Hospital Patient Data

59E-7.202	Schedule for Submission of Patient Data and Extensions
59E-7.203	Reporting Instructions
59E-7.204	Certification Procedures
59E-7.205	Patient Data Format – Data Elements and Codes
59E-7.206	Patient Data Format – Record Layout
59E-7.207	Data Standards
59E-7.208	Notice of Potential Future Additional Data Requirements

**PURPOSE AND EFFECT:** The purpose of amending Chapter 59E-7, F.A.C., is to align the current data elements collected to the uniform bill for institutional facilities (UB-04), as approved by the National uniform Billing Committee (NUBC) effective October 1, 2007. Additional revision is necessary to incorporate collection of rehabilitative discharges, shorten report deadlines, define resubmission requirements, patient data release, clarifications, and conform terminology to national standards.

**SUMMARY:** Amending Chapter 59E-7, F.A.C., will facilitate direct data elements correlation from the UB-04 source document and therefore decrease potential errors introduced by having to re-map elements from the UB-04 to the expired UB-92 source document format. Inclusion of the rehabilitative discharge data, currently collected through a separate application, will allow a uniform collection process for all institutional data and staff resources. The rule contains report deadlines based on an outdated collection system where facility reports were submitted on mailed diskettes. Current electronic data submission applications expedite the collection process time negating the need for extended time frames. Shortened deadlines will afford quicker data availability to meet the growing demand by researchers and consumers who desire current data access on the consumer website and available for purchase.

**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.

**RULEMAKING AUTHORITY:** 408.15(8), 408.061, 408.08, 408.061(1)(e), 408.08(1)(e) FS.

**LAW IMPLEMENTED:** 408.061, 408.062, 408.063, 408.07, 408.08(1), (2), (3), (4), (5), 119.07(1)(a), (2)(a), 120.53(2)(a), 408.05 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 RULES IS:** Patrick Kennedy, Administrator at (850)922-5531

THE FULL TEXT OF THE PROPOSED RULES IS:

**INPATIENT AND COMPREHENSIVE REHABILITATIVE DATA COLLECTION**

59E-7.011 Definitions.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History–New 12-15-96, Amended 7-11-01, Repealed 1-1-10.

59E-7.012 Inpatient Data Reporting and Audit Procedures.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), (2), 408.15(11) FS. History–New 12-15-96, Amended 1-4-00, 7-11-01, 7-12-05, 5-22-07, Repealed 1-1-10.

59E-7.013 Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.08(13), (16) FS. History–New 12-15-96, Repealed 1-1-10.

59E-7.014 Inpatient Data Format – Data Elements, Codes and Standards.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History–New 12-15-96, Amended 7-11-01, 7-12-05, 5-22-07, Repealed 1-1-10.

59E-7.015 Public Records.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 119.07(1)(a), (2)(a), 408.061(8) FS. History–New 12-15-96, Amended 7-12-05, Repealed 1-1-10.

59E-7.016 General Provisions.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History–New 12-15-96, Amended 7-11-01, 7-12-05, Repealed 1-1-10.

59E-7.020 Purpose of Inpatient Data Reporting.

The reporting of inpatient patient data will provide a statewide integrated database that includes acute care hospitals, psychiatric hospitals, rehabilitation hospitals and long term care hospital services for the assessment of variations in utilization, disease surveillance, access to care and cost trends. The amendments appearing herein are effective with the reporting period starting January 1, 2010.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.05, 408.07, 408.08 FS. History–New 1-1-10.

59E-7.021 Definitions.

As used in Rules 59E-7.021 through 59E-7.030, F.A.C., beginning with the inpatient data reporting for the 1st quarter of the year 2010:

(1) "Acute Care" means inpatient general routine care provided to patients who are in an acute phase of illness, which includes the concentrated and continuous observation and care provided in the intensive care units of an institution.

(2) "Comprehensive Rehabilitation" means services provided in a Specialty Rehabilitation Hospital licensed under Chapter 395, F.S. or services provided in a hospital rehabilitation distinct part unit.

(3) "Distinct Part Unit" means a unique unit or level of care at a hospital requiring the issuance of a separate claim to a payer.

(4) "E-code" means a Supplementary Classification of External Causes of Injury and Poisoning, ICD-9-CM or ICD-10-CM, where environmental events, circumstances, and conditions are the cause of injury, poisoning, and other adverse effects as specified in the ICD-9-CM or ICD-10-CM manual and the conventions of coding.

(5) "Executive Officer" means a reporting facility's chief executive officer, chief financial officer, chief operating officer, president, or any vice president of the hospital in charge of a principal business unit, division or function (administration or finance).

(6) "Inpatient" means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital. Observation patients are excluded.

(7) "Newborn" means a baby born within the hospital or the initial admission of an infant to any hospital within 24 hours of birth. Excludes babies born in a different hospital and transferred to the reporting hospital.

(8) "NPI" means National Provider Identification. An NPI is a unique identification number assigned to a provider by the Centers for Medicare & Medicaid Services.

(9) "NUBC" means National Uniform Billing Committee. A national body that defines the data elements that are reported on the Uniform Bill UB-04 and annually publishes an Official UB-04 Data Specifications Manual.

(10) ISO 3166 – The International Standard for Organization is a standardized list of country names and codes first published in 1974 and updated 2008. ISO 3166 is available at: [http://www.iso.org/iso/english\\_country\\_names\\_and\\_code\\_elements](http://www.iso.org/iso/english_country_names_and_code_elements).

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History—New 1-1-10.

Editorial note: see former rule 59E-7.011.

59E-7.022 Inpatient Data Reporting and Audit Procedures.

(1) Hospitals licensed under Chapter 395, F.S., except state-operated hospitals, in operation for all or any of the reporting periods described in subsection 59E-7.023(1), F.A.C., below, shall submit hospital inpatient discharge data to the Agency according to the provisions in Rules 59E-7.021 through 59E-7.029, F.A.C. The amendments appearing herein are effective with the report period starting January 1, 2010.

(2) Each hospital shall submit a separate report for each location per paragraph 59A-3.066(2)(i), F.A.C.

(3) All acute, intensive care, long term acute care, short term and long term psychiatric, substance abuse and comprehensive rehabilitation live discharges and deaths, including newborn live discharges and deaths, shall be reported. Submit one record per inpatient discharge, to include all newborn admissions, transfers and deaths. Patients receiving rehabilitation services while in the acute care setting (not discharged or transferred to a distinct part unit) are included in the inpatient reporting for service type 1. Report all rehabilitation services provided in either a rehabilitation hospital or in a non-acute distinct part unit in the inpatient reporting for service type 2.

(4) Upon notification by the AHCA Agency staff, all hospitals shall provide access to all required information from the medical records and billing documents underlying and documenting the hospital inpatient discharge reports submitted, as well as other inpatient related documentation deemed necessary to conduct complete inpatient data audits of hospital data, subject to the limitations as set forth in Section 408.061(1)(d), F.S. No inpatient discharge records that support inpatient discharge data are exempt from disclosure to AHCA for audit purposes.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.05, 408.07, 408.08(1), (2), 408.15(11) FS. History—New 1-1-10.

Editorial note: see former rule 59E-7.012.

59E-7.023 Schedule for Submission of Inpatient Data and Extensions.

(1) All hospitals reporting their inpatient discharge data shall report according to the following schedule commencing with 1st quarter data 2010.

(a) Each report submitted for the 1st quarter covering inpatient discharges occurring between January 1 and March 31, inclusive, of each year, shall be submitted no later than June 1 of the calendar year during which the discharge occurred. This is considered to be the first quarter, regardless of the hospital's fiscal year. First quarter reports must be certified by August 31 of the same calendar year.

(b) Each report submitted for the 2nd quarter covering inpatient discharges occurring between April 1 and June 30, inclusive, of each year, shall be submitted no later than September 1 of the calendar year during which the discharge occurred. This is considered to be the second quarter, regardless of the hospital's fiscal year. Second quarter reports must be certified by November 30 of the same calendar year.

(c) Each report submitted for the 3rd quarter covering inpatient discharges occurring between July 1 and September 30, inclusive, of each year, shall be submitted no later than December 1 of the calendar year during which the discharge occurred. This is considered to be the third quarter, regardless of the hospital's fiscal year. Third quarter reports must be certified by February 28 of the following calendar year.

(d) Each report submitted for the 4th quarter covering inpatient discharges occurring between October 1 and December 31, inclusive, of each year, shall be submitted no later than March 1 of the calendar year following the year in which the discharge occurred. This is considered to be the fourth quarter, regardless of the hospital's fiscal year. Fourth quarter reports must be certified by May 31 of the next calendar year.

(2) Extensions to the due dates in subsection 59E-7.023(1), F.A.C., will be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee for a maximum of 30 days from the initial submission due date in response to a written request signed by the hospital's chief executive officer or chief financial officer or authorized executive officer designee. The request must be received prior to the initial submission due date and the delay must be due to unforeseen factors beyond the control of the reporting hospital. These factors must be specified in the written request for the extension along with documentation of efforts undertaken to meet the filing requirements. Extensions shall not be granted verbally.

(3) Failure to file the report on or before the initial submission due date as specified in paragraphs 59E-7.023(1)(a)-(d), F.A.C., without an extension, and failure to correct a report which has been filed but contains errors or deficiencies by the certification deadline is punishable by fine pursuant to Rule 59E-7.026, F.A.C. The Agency shall send notification of errors or deficiencies by certified mail, electronic mail, or fax. Rejected reports must be corrected, resubmitted and certified by the certification due date.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.08(1)(e), 408.15(8), FS. Law Implemented 408.061, 408.062, 408.063, 408.05, 408.07, 408.08(1), (2), 408.15(11) FS. History—New 1-1-10.

Editorial note: see former rule 59E-7.012.

#### 59E-7.024 Reporting Instructions.

(1) Beginning with the inpatient data report for the 1st quarter of the year 2010, reporting facilities shall submit a zipped inpatient discharge data file by Internet according to the specifications in paragraphs (a) through (c) below unless reporting by CD-ROM is approved by the Agency in the case of extraordinary or hardship circumstances.

(a) The Internet address for the receipt of inpatient data is <https://ahcaxnet.fdhc.state.fl.us/patientdata>.

(b) Data submitted to the Internet address shall be electronically transmitted with the zipped inpatient data in a XML file using the Inpatient Data XML Schema available at: <http://ahca.myflorida.com/xmlschemas/inppoa22.xsd>. The Inpatient Data XML Schema is incorporated by reference.

(c) The data in the XML file shall contain the data elements, codes and standards required in Rules 59E-7.027, 59E-7.028, and 59E-7.030, F.A.C.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.05, 408.07, 408.08(1), (2), 408.15(11) FS. History—New 1-1-10.

Editorial note: see former rule 59E-7.012.

#### 59E-7.025 Certification, Audits and Resubmission Procedures.

(1) All hospitals submitting data in compliance with Rules 59E-7.021 through 59E-7.030, F.A.C., shall certify that the data submitted for each quarter is accurate, complete and verifiable using Certification Form for Inpatient Discharge Data, AHCA Form 4200-002, dated 10/93 and incorporated by reference. The completed Certification Form for Inpatient Discharge Data shall be submitted to the Agency for Health Care Administration, 2727 Mahan Drive, MS #16, Tallahassee, Florida 32308, Attention: Florida Center for Health Information and Policy Analysis or by facsimile to the Agency's office, or a scanned certification submitted by electronic mail.

(2) Beginning with the inpatient data reporting for the 1st quarter of the year 2010, hospitals whose data is not certified within five (5) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule 59E-7.026, F.A.C. Extensions to this five (5) month period may be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee for a maximum of 30 days following the certification due date in response to a written request signed by the hospital's chief executive officer, chief financial officer, or authorized executive officer designee. A facility will not be penalized for delays caused by AHCA which is documented by the reporting facility to include on-line reporting system downtime or delays in receipt of reports from AHCA.

(3) Changes or corrections to certified hospital data will be accepted from hospitals to improve their data quality for a period of eighteen (18) months following the initial submission due date. The Administrator, Office of Data Collection and Quality Assurance, or Agency designee, may grant approval for resubmitting previously certified data in response to a written request signed by the hospital's chief executive officer or chief financial officer, or authorized executive officer designee. The written request must specify the reason for the corrections or changes, explain the cause contributing to the inaccurate reporting, describe a corrective action plan to prevent future errors, the total number of records affected by quarters and years, the data type and the date that the replacement file will be submitted to the Agency. Any changes to a hospital's data after this eighteen-month period shall be subject to penalties pursuant to Rule 59E-7.026, F.A.C. Resubmission of previously certified data must be certified within thirty (30) days following receipt of the data file from the facility.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.05, 408.07, 408.08(1),(2), 408.15(1), 408.08(1), (2) FS. History—New 1-1-10.

Editorial note: see former rule 59E-7.012.

#### 59E-7.026 Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies.

(1) For purposes of this rule, a report or other information is "incomplete" when it does not contain all data required by the Agency in this rule and in forms incorporated by reference or when it contains inaccurate data. The Agency shall to the extent practical, apply the same audit standards and use the same audit procedures for all hospitals or audit a random sample of hospitals. The Agency will notify each hospital of any possible errors discovered by audit and request that the hospital either correct the data or verify that the data is complete and correct. A report or other information is "false" if done or made with the knowledge of the preparer or an administrator that it contains information or data which is not true or accurate.

(2) A hospital which refuses to file, fails to timely file, or files false or incomplete reports or other information required to be filed under the provisions of Section 408.08, F.S., other Florida Law, or rules adopted thereunder, shall be subject to administrative fines. Failure to comply with reporting requirements will also result in the referral of a hospital to the Agency's Bureau of Health Facility Regulation.

(3) Notifications will be sent to reporting facilities who do not submit their data file by the initial due date as specified in Rule 59E-7.023, F.A.C.

(4) The penalty period will begin on the first calendar day following the initial due date and the first calendar day following the certification due date for purposes of penalty assessments.

(5) Any hospital which is delinquent for a certification deadline as specified in Rule 59E-7.023 F.A.C., shall be subject to a fine of \$100 per day of violation for the first violation, \$350 per day of violation for the second violation, and \$1,000 per day of violation for the third and all subsequent violations. Violations will be considered those activities which necessitate the issuance of an administrative complaint by the Agency unless the administrative complaint is withdrawn or final order dismissing the administrative complaint is entered. All fines are to be fixed, imposed, and collected by the Agency. Any hospital which files false information to the Agency shall be subject to a fine of \$1,000 per day, in addition to any other fine imposed hereunder. The fine shall be fixed, imposed and collected by the Agency.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.08(2)(3)(4)(5) FS. History—New 1-1-10.

Editorial note: see former rule 59E-7.013.

#### 59E-7.027 Header Record.

Beginning with the inpatient data reporting for the 1st quarter of the year 2010, the first record in the data file shall be a header record containing the information described below.

(1) Transaction Code. Enter Q for a calendar quarter report. A required field.

(2) Report Year. Enter the year of the data in the format YYYY where YYYY represents the year in four (4) digits. A required field.

(3) Report Quarter. Enter the quarter of the data, 1, 2, 3 or 4, where 1 corresponds to the first quarter of the calendar year, 2 corresponds to the second quarter of the calendar year, 3 corresponds to the third quarter of the calendar year, and 4 corresponds to the fourth quarter of the calendar year. A required field.

(4) Data Type. Enter PD10-2 for Inpatient Data. A required field.

(5) Submission Type. Enter I or R where I indicates an initial submission of a data file or resubmission of a data file prior to certification. R indicates a replacement submission of previously certified inpatient data where resubmission has been requested or authorized by the Agency. A required field.

(6) Processing Date. Enter the date that the data file was created in the format YYYY-MM-DD where MM represents numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. A required field.



(7) AHCA Facility Number. Enter the identification number of the facility as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight (8) digits and no more than ten (10) digits. A required field.

(8) Medicare Number. Enter the Medicare number of the facility as assigned by Centers for Medicare & Medicaid Services (CMS). A valid identification number must contain seven (7) numeric digits. A required field.

(9) Organization Name. Enter the name of the hospital from which the patient was discharged, and which is responsible for reporting the data. All questions regarding data accuracy and integrity will be referred to this entity. Up to a forty-character field. A required field.

(10) Contact Person Name. Enter the name of the contact person for the hospital. Submit name in the Last, First format. Up to a twenty-five-character field. A required field.

(11) Contact Phone Number. The area code, business telephone number, and if applicable, extension for the contact person. Enter the contact person's telephone number in the numeric format (AAA)XXXXXXXXXXXX where AAA is the area code, XXXXXXXX represents the seven (7) digit phone number and EEEE represents the extension. Zero fill if no extension. A required field.

(12) Contact Person E-Mail Address. Enter the e-mail address of the contact person.

(13) Contact Person Street or P. O. Box Address. Enter the street or post office box address of the contact person's mailing address. Up to a forty-character field. A required field.

(14) Mailing Address City. Enter the city of the contact person's address. Up to a twenty-five character field. A required field.

(15) Mailing Address State. Enter the state of the contact person's address using the U.S. Postal Service state abbreviation in the format XX. Use the abbreviation FL for Florida. A required field.

(16) Mailing Address Zip Code. Enter the numeric zip code of the contact person's address in the format XXXXX-XXXX.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.05, 408.062, 408.063, 408.07 FS. History—New 1-1-10.

Editorial note: see former rule 59E-7.014.

59E-7.028 Inpatient Data Elements, Codes and Standards. Beginning with the inpatient data reporting for the 1st quarter of the year 2010, all hospitals submitting data in compliance with Rules 59E-7.021 through 59E-7.030, F.A.C., shall report the required data elements and data element codes listed below

as stipulated by the Agency and described in the National Uniform Billing Committee Official UB-04 Data Specifications Manual.

(1) AHCA Facility Number. Enter the identification number of the hospital as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight (8) digits and no more than ten (10) digits. A required field.

(2) Patient Control Number. An alpha-numeric code containing standard letters or numbers assigned by the facility as a unique identifier for each record submitted in the reporting period to facilitate retrieval of the individual's account of services (accounts receivable) containing the financial billing records and any postings of payment. Up to twenty four (24) characters. Duplicate patient control numbers are not permitted. A required field. The hospital must maintain a key list to locate actual records upon request by AHCA.

(3) Medical or Health Record Number. An alpha-numeric code assigned to the patient's medical or health record by the facility. The medical or health record number references a file that contains the history of treatment. It should not be substituted for the Patient Control Number. Up to twenty four (24) characters. A required field.

(4) Patient Social Security Number. The social security number (SSN) of the patient. The SSN is a nine (9) digit number issued by the Social Security Administration used to facilitate retrieval of individual case records, track multiple patient discharges and for medical research. Reporting 77777777 is acceptable for those patients where efforts to obtain the SSN have been unsuccessful or the patient is under two (2) years of age and does not have a SSN or for patients who are non-U.S. citizens who have not been issued SSNs. If only the last four digits of a patient's SSN are known, report 7777XXXX where XXXX represent the last known four digits of the patient SSN. A required entry.

(5) Patient Ethnicity. Self-designated by the patient or patient's parent or guardian. Use "Unknown" where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. The patient's ethnic background shall be reported as one choice from the following list of alternatives. A required entry. Must be a two (2) digit code as follows:

a. E1 = Hispanic or Latino. A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

b. E2 = Non-Hispanic or Latino. A person not of any Spanish culture or origin.

c. E7 = Unknown.

(6) Patient Race. Self-designated by the patient, patient's parent or guardian. Use "Unknown" where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. The patient's racial

background shall be reported as one choice from the following list of alternatives. A required entry. Must be a one (1) digit code as follows:

(a) 1 – American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition.

(b) 2 – Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent. This area includes, for example, Cambodia, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(c) 3 – Black or African American. A person having origins in any of the black racial groups of Africa.

(d) 4 – Native Hawaiian or other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(e) 5 – White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

(f) 6 – Other. Any other possible options not covered in the above categories, including a patient who has more than one race.

(g) 7 – Unknown. Use if the patient refuses or fails to disclose.

(7) Patient Birth Date. The date of birth of the patient. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Unknown birthdates should use the default of 1880-01-01. A birth date after the discharge date is not permitted. A required entry.

(8) Patient Sex. The patient sex at the time of admission. A required entry. Must be a one (1) alpha character in upper case as follows:

1. M – Male

2. F – Female

3. U – Unknown – Use where efforts to obtain the information have been unsuccessful or where the patient's sex cannot be determined due to a medical condition.

(9) Patient Zip Code. The numeric five (5) digit United States Postal Service ZIP Code of the patient's address. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry.

(10) Patient Country Code. The country code of residence. A two (2) digit upper case alpha code from the International Standard for Organization country code list, ISO 3166 or latest release. A required entry. Use 99 where the country of residence is unknown or where efforts to obtain the information have been unsuccessful.

(11) Type of Service Code. A code designating the type of discharges as either acute inpatient, long term care, short term and long term psychiatric, or comprehensive rehabilitation. A required entry. Must be a one digit code as follows:

(a) 1 – Inpatient, as described in Rule 59E-7.022, F.A.C.

(b) 2 – Comprehensive Rehabilitation, as described in paragraph 59E-7.021(2), F.A.C.

(12) Priority of Admission. The scheduling priority of the initial admission. A required entry. Must be a one (1) digit code as follows:

(a) 1 – Emergency. The patient requires immediate medical intervention as a result of severe, life-threatening or potentially disabling conditions.

(b) 2 – Urgent. The patient requires attention for the care and treatment of a physical or mental disorder.

(c) 3 – Elective. The patient's condition permits adequate time to schedule the services.

(d) 4 – Newborn. A baby born within the facility or the initial admission of an extramural birth infant to an acute care facility within 24 hours of birth, as described in subsection 59E-7.021(7), F.A.C. Use of this code requires the use of a special Point of Origin for Admission code.

(e) 5 – Trauma. A patient treated as a trauma patient with or without trauma activation at a State of Florida designated trauma center.

(13) Source or Point of Origin for Admission. Must be a one (1) character alpha code or two (2) digit numeric code indicating the direct source of patient origin for the admission or visit. Codes 10 or 13 are to be used only for newborn admissions. A required entry. Alpha characters must use upper case.

(a) 01 – Non-health care facility source of origin. The patient was admitted to this facility upon an order of a physician. Includes a patient coming from home, physician office or workplace.

(b) 02 – Clinic. The patient was admitted to this facility as a transfer or referral from a freestanding or non-freestanding clinic.

(c) 04 – Transfer from a hospital. The patient was admitted to this facility as a transfer from an acute care facility where the patient was an inpatient. Transfer must be from a different hospital. Excludes transfers from hospital inpatients in the same facility.

(d) 05 – Transfer from a Skilled Nursing Facility (SNF) or Intermediate Care Facility (ICF). The patient was admitted to this facility from a SNF or ICF where the patient was a resident.

(e) 06 – Transfer from another health care facility. The patient was admitted to this facility as a transfer from another type of health care facility not defined elsewhere in this code list.

(f) 07 – Emergency Room. The patient was admitted to this facility after receiving services in this facility’s emergency department. Excludes patients who came to the emergency room from another health care facility.

(g) 08 – Court/Law Enforcement. The patient was admitted upon the direction of a court of law, or upon the request of a law enforcement Agency representative. Includes transfers from incarceration facilities.

(h) 09 – Information Not Available. The means by which the patient was admitted to this hospital is not known.

(i) D – Transfer from one distinct unit of the hospital to another distinct unit of the same hospital resulting in a separate claim. The patient was admitted to this facility as a transfer from hospital inpatient within this hospital resulting in a separate claim to the payer. For purposes of this code, “Distinct Unit” is defined as a unique unit or level of care at the hospital requiring the issuance of a separate claim to the payer.

(j) E – Transfer from an Ambulatory Surgery Center.

(k) F – Transfer from a hospice facility and under a hospice plan of care or enrolled in a hospice program. Codes required for newborn admissions (Priority of Admission=4):

(l) 10 – Born inside this hospital.

(m) 13 – Born outside this hospital.

(14) Admission Date. The date the patient was admitted to the initial reporting facility. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Admission date must equal or precede the discharge date. A required entry.

(15) Inpatient Admission Time. The hour on a 24-hour clock during which the patient’s initial inpatient admission to the hospital occurred. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

AM HOURS

1. 00 – 12:00 midnight to 12:59:59

2. 01 – 01:00 to 01:59:59

3. 02 – 02:00 to 02:59:59

4. 03 – 03:00 to 03:59:59

5. 04 – 04:00 to 04:59:59

6. 05 – 05:00 to 05:59:59

7. 06 – 06:00 to 06:59:59

8. 07 – 07:00 to 07:59:59

9. 08 – 08:00 to 08:59:59

10. 09 – 09:00 to 09:59:59

11. 10 – 10:00 to 10:59:59

12. 11 – 11:00 to 11:59:59

PM HOURS

13. 12 – 12:00 noon to 12:59:59

14. 13 – 01:00 to 01:59:59

15. 14 – 02:00 to 02:59:59

16. 15 – 03:00 to 03:59:59

17. 16 – 04:00 to 04:59:59

18. 17 – 05:00 to 05:59:59

19. 18 – 06:00 to 06:59:59

20. 19 – 07:00 to 07:59:59

21. 20 – 08:00 to 08:59:59

22. 21 – 09:00 to 09:59:59

23. 22 – 10:00 to 10:59:59

24. 23 – 11:00 to 11:59:59

25. 99 – Unknown

(16) Discharge Date. The date the patient was discharged from the reporting facility. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Discharge date must equal or follow the admission date, and discharge date must occur within the reporting period as shown on the header record. A required entry.

(17) Discharge Time. The hour on a 24-hour clock in which the patient was discharged from the discharging hospital. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

1. 00 – 12:00 midnight to 12:59:59

2. 01 – 01:00 to 01:59:59

3. 02 – 02:00 to 02:59:59

4. 03 – 03:00 to 03:59:59

5. 04 – 04:00 to 04:59:59

6. 05 – 05:00 to 05:59:59

7. 06 – 06:00 to 06:59:59

8. 07 – 07:00 to 07:59:59

9. 08 – 08:00 to 08:59:59

10. 09 – 09:00 to 09:59:59

11. 10 – 10:00 to 10:59:59

12. 11 – 11:00 to 11:59:59

PM HOURS

13. 12 – 12:00 noon to 12:59:59

14. 13 – 01:00 to 01:59:59

15. 14 – 02:00 to 02:59:59

16. 15 – 03:00 to 03:59:59

17. 16 – 04:00 to 04:59:59

18. 17 – 05:00 to 05:59:59

19. 18 – 06:00 to 06:59:59

20. 19 – 07:00 to 07:59:59

21. 20 – 08:00 to 08:59:59

22. 21 – 09:00 to 09:59:59

23. 22 – 10:00 to 10:59:59

24. 23 – 11:00 to 11:59:59

25. 99 – Unknown

(18) Patient Discharge Status. Patient disposition at discharge. A required entry. Must be a two (2) digit code as follows:

(a) 01 – Discharged to home or self-care (routine discharge).

(b) 02 – Discharged or transferred to a short-term general hospital for inpatient care.

(c) 03 – Discharged or transferred to a skilled nursing facility with Medicare certification in anticipation of skilled care.

(d) 04 – Discharged or transferred to an intermediate care facility.

(e) 05 – Discharged or transferred to a designated cancer center or Children’s Hospital.

(f) 06 – Discharged or transferred to home under care of home health care organization service in anticipation of skilled care.

(g) 07 – Left the hospital against medical advice (AMA) or discontinued care.

(h) 20 – Expired.

(i) 50 – Hospice-Home.

(j) 51 – Hospice Medical Facility (Certified) providing hospice level of care.

(k) 62 – Discharged or transferred to an Inpatient Rehabilitation Facility (IRF) including rehabilitation distinct part units of a hospital.

(l) 63 – Discharged or transferred to a Medicare certified long term care hospital.

(m) 64 – Discharged or transferred to a Nursing Facility certified under Medicaid but not certified under Medicare.

(n) 65 – Discharged or transferred to a psychiatric hospital including psychiatric distinct part units of a hospital.

(o) 66 – Discharged or transferred to a Critical Access hospital.

(p) 70 – Discharged or transferred to another type of health care institution not defined elsewhere in this code list.

(19) Principal Payer Code. Describes the expected primary source of reimbursement for services rendered based on the patient’s status at the time of reporting. A required entry. Must be a one (1) character alpha field using upper case as follows:

(a) A – Medicare. Patients covered by Medicare where Centers for Medicare & Medicaid Services is the direct payer.

(b) B – Medicare Managed Care. Patients covered by Medicare Advantage plans, Medicare HMO, Medicare PPO, Medicare Private Fee for Service or any other type of Medicare plan where Centers for Medicare & Medicaid Services is not the direct payer.

(c) C – Medicaid. Patients covered by state administered Florida Medicaid where the payment is directly from the State of Florida Medicaid program.

(d) D – Medicaid Managed Care. Patients covered by Medicaid funded capitated plans. This would include any program where the patient is enrolled in the Medicaid program but the payment is not directly from the state of Florida Medicaid program. This designation is to be used regardless of whether the hospital has a contract with that plan.

(e) E – Commercial Health Insurance. Patients covered by any type of private coverage, including HMO, PPO, self-insured plans.

(f) H – Workers’ Compensation. Patients covered by any type of workers compensation plan, including self insured plans, managed care plans or the State of Florida sponsored workers compensation plan.

(g) I – TriCare or Other Federal Government. Patients covered by any federal government program for active and retired military and their families, Black Lung, Section 1011, the Federal Prison System, or any other federal program.

(h) J – VA. Patients covered by the Veteran’s Administration.

(i) K – Other State/Local Government. Patients covered by a state program or local government that does not fall into any of the payer categories listed. This would include those covered by the Florida Department of Corrections or any county or local corrections department, patients covered by county or local government indigent care programs if the reimbursement is at the patient level; any out-of-state Medicaid programs and county health departments or clinics.

(j) L – Self Pay. Patients with no insurance coverage.

(k) M – Other. This would include patients covered by any other type of payer not meeting the descriptions in paragraphs (a)-(k) above or paragraphs (m)-(n) below.

(l) N – Non-Payment. Includes charity, professional courtesy, no charge, research/clinical trial, refusal to pay/bad debt, Hill Burton free care, research/donor that is known at the time of reporting.

(m) O – KidCare. Includes Healthy Kids, MediKids and Children’s Medical Services.

(n) Q – Commercial Liability Coverage. Patients whose health care is covered under a liability policy, such as automobile, homeowners or general business.

(20) Principal Diagnosis Code. The code representing the diagnosis established, after study, to be chiefly responsible for occasioning the admission. Principal diagnosis code must contain a valid ICD-9-CM or ICD-10-CM code for the reporting period. A diagnosis code cannot be used more than once as a principal or other diagnosis for each hospitalization reported. The code must be entered with a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. A required entry. Alpha characters must be in upper case.

(21) Other Diagnosis Code (1), Other Diagnosis Code (2), Other Diagnosis Code (3), Other Diagnosis Code (4), Other Diagnosis Code (5), Other Diagnosis Code (6), Other

Diagnosis Code (7), Other Diagnosis Code (8), Other Diagnosis Code (9), Other Diagnosis Code (10), Other Diagnosis Code (11), Other Diagnosis Code (12), Other Diagnosis Code (13), Other Diagnosis Code (14), Other Diagnosis Code (15), Other Diagnosis Code (16), Other Diagnosis Code (17), Other Diagnosis Code (18), Other Diagnosis Code (19), Other Diagnosis Code (20), Other Diagnosis Code (21), Other Diagnosis Code (22), Other Diagnosis Code (23), Other Diagnosis Code (24), Other Diagnosis Code (25), Other Diagnosis Code (26), Other Diagnosis Code (27), Other Diagnosis Code (28), Other Diagnosis Code (29), and Other Diagnosis Code (30). A code representing a condition that is related to the services provided during the hospitalization excluding external cause of injury codes. Report external cause of injury codes as described in subsection (61) below. No more than thirty (30) other diagnosis codes may be reported. Less than thirty (30) entries is permitted. If an Other Diagnosis Code is reported, a valid Principal Diagnosis code must be reported. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. An Other Diagnosis Code cannot be used more than once as a principal or other diagnosis for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(22) Present on Admission Indicator for Principal Diagnosis Code, Present on Admission Indicator for Other Diagnosis Code (1), Present on Admission Indicator for Other Diagnosis Code (2), Present on Admission Indicator for Other Diagnosis Code (3), Present on Admission Indicator for Other Diagnosis Code (4), Present on Admission Indicator for Other Diagnosis Code (5), Present on Admission Indicator for Other Diagnosis Code (6), Present on Admission Indicator for Other Diagnosis Code (7), Present on Admission Indicator for Other Diagnosis Code (8), Present on Admission Indicator for Other Diagnosis Code (9), Present on Admission Indicator for Other Diagnosis Code (10), Present on Admission Indicator for Other Diagnosis Code (11), Present on Admission Indicator for Other Diagnosis Code (12), Present on Admission Indicator for Other Diagnosis Code (13), Present on Admission Indicator for Other Diagnosis Code (14), Present on Admission Indicator for Other Diagnosis Code (15), Present on Admission Indicator for Other Diagnosis Code (16), Present on Admission Indicator for Other Diagnosis Code (17), Present on Admission Indicator for Other Diagnosis Code (18), Present on Admission Indicator for Other Diagnosis Code (19), Present on Admission Indicator for Other Diagnosis Code (20), Present on Admission Indicator for Other Diagnosis Code (21), Present on Admission Indicator for Other Diagnosis Code (22), Present on Admission Indicator for Other Diagnosis Code (23), Present on Admission Indicator for Other Diagnosis Code (24), Present on Admission Indicator for Other Diagnosis Code (25), Present on Admission Indicator for Other Diagnosis Code (26), Present on Admission Indicator for Other Diagnosis

Code (27), Present on Admission Indicator for Other Diagnosis Code (28), Present on Admission Indicator for Other Diagnosis Code (29), Present on Admission Indicator for Other Diagnosis Code (30), Present on Admission Indicator for External Cause of Injury Code (1), Present on Admission Indicator for External Cause of Injury Code (2), and Present on Admission Indicator for External Cause of Injury Code (3). A code differentiating whether the condition represented by the corresponding Principal Diagnosis Code (20), Other Diagnosis Code (21), (1) through (30), and External Cause of Injury Code (61), (1) through (3), was present on admission or whether the condition developed after admission as determined by the physician, medical record or nature of the condition. A required entry. Present on Admission Indicator must be a one (1) character alpha-numeric upper case code as follows:

1. Y – Yes. Present at the time that the order for inpatient admission occurs.

2. N – No. Not present at the time that the order for inpatient admission occurs.

3. U – Unknown. Documentation is insufficient to determine if condition is present on admission.

4. W – Clinically Undetermined. Provider is unable to clinically determine whether condition was present on admission or not.

5. 1 – Exempt. A condition that is included on the current Centers for Medicare & Medicaid Services ICD-CM “Exempt from Reporting” list.

(23) Principal Procedure Code. The code representing the procedure most related to the principal diagnosis. No entry is permitted consistent with the records of the reporting entity. Must contain a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. If a principal procedure date is reported, a valid principal procedure code must be reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(24) Principal Procedure Date. The date when the principal procedure was performed. If a principal procedure is reported, a principal procedure date must be reported. No entry is permitted if no principal procedure is reported. A ten (10)-character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. The principal procedure date must be less than four (4) days prior to the admission date and not later than the discharge date.

(25) Other Procedure Code (1), Other Procedure Code (2), Other Procedure Code (3), Other Procedure Code (4), Other Procedure Code (5), Other Procedure Code (6), Other Procedure Code (7), Other Procedure Code (8), Other Procedure Code (9), Other Procedure Code (10), Other Procedure Code (11), Other Procedure Code (12), Other Procedure Code (13), Other Procedure Code (14), Other

Procedure Code (15), Other Procedure Code (16), Other Procedure Code (17), Other Procedure Code (18), Other Procedure Code (19), Other Procedure Code (20), Other Procedure Code (21), Other Procedure Code (22), Other Procedure Code (23), Other Procedure Code (24), Other Procedure Code (25), Other Procedure Code (26), Other Procedure Code (27), Other Procedure Code (28), Other Procedure Code (29) and Other Procedure Code (30). A code representing a procedure provided during the hospitalization. If a principal procedure is not reported, an Other Procedure Code must not be reported. No more than thirty (30) other procedure codes may be reported. Less than thirty (30) or no entry is permitted. Must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(26) Other Procedure Code Date (1), Other Procedure Code Date (2), Other Procedure Code Date (3), Other Procedure Code Date (4), Other Procedure Code Date (5), Other Procedure Code Date (6), Other Procedure Code Date (7), Other Procedure Code Date (8), Other Procedure Code Date (9), Other Procedure Code Date (10), Other Procedure Code Date (11), Other Procedure Code Date (12), Other Procedure Code Date (13), Other Procedure Code Date (14), Other Procedure Code Date (15), Other Procedure Code Date (16), Other Procedure Code Date (17), Other Procedure Code Date (18), Other Procedure Code Date (19), Other Procedure Code Date (20), Other Procedure Code Date (21), Other Procedure Code Date (22), Other Procedure Code Date (23), Other Procedure Code Date (24), Other Procedure Code Date (25), Other Procedure Code Date (26), Other Procedure Code Date (27), Other Procedure Code Date (28), Other Procedure Code Date (29) and Other Procedure Code Date (30). The date when the procedure was performed. A required entry if a corresponding procedure code (26), (1) through (30) is reported. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. The procedure date must be less than four (4) days prior to the admission date and not later than the discharge date.

(27) Attending Practitioner Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who had primary responsibility for the patient's medical care and treatment or who certified as to the medical necessity of the services rendered. For military physicians not licensed in Florida, use US999999999. An alpha-numeric field of up to eleven characters. A required entry. Alpha characters must be in upper case.

(28) Attending Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider. A required entry for providers in the US or its territories and providers not in the US or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 999999999.

(29) Operating or Performing Practitioner Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who had primary responsibility for the principal procedure performed. The operating or performing practitioner may be the attending practitioner. For military physicians not licensed in Florida, use US999999999. No entry is permitted if no principal procedure is reported. Alpha characters must be in upper case.

(30) Operating or Performing Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider who had primary responsibility for the Principal Procedure. A required identification number for providers in the US or its territories and providers not in US or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 999999999. No entry is permitted if no principal procedure is reported.

(31) Other Operating or Performing Practitioner Identification Number. The Florida license number of a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who assisted the operating or performing practitioner or performed a secondary procedure. The other operating or performing practitioner must not be reported as the operating or performing practitioner. The other operating or performing practitioner may be the attending practitioner. For military physicians not licensed in Florida, use US999999999. No entry is permitted consistent with the records of the reporting entity.

(32) Other Operating or Performing Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider who had primary responsibility for the Principal Procedure. A required identification number for providers in the US or its territories and providers not in US or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 999999999. No entry is permitted if no principal procedure is reported.

(33) Room and Board Charges. Routine service charges incurred for accommodations. Report charges for revenue codes 11X through 16X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or

commas, excluding cents. Report zero (0) if there are no Room and Board Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(34) Nursery Level I Charges. Accommodation charges for well-baby care services which include sub-ventilation care, intravenous feedings and gavage to neonates. Report charges for revenue code 170 and 171, as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(35) Nursery Level II Charges. Accommodation charges for services which include provision of ventilator services. Report charges for revenue code 172 as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Level II Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(36) Nursery Level III Charges. Accommodation charges for services which include continuous cardiopulmonary support services, complex pediatric surgery, neonatal cardiovascular surgery, pediatric neurology and neurosurgery, and pediatric cardiac catheterization. Report charges for revenue code 173 (Level III) as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Level III Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(37) Intensive Care Charges. Routine service charges for medical or surgical care provided to patients who require a more intensive level of care than is rendered in the general medical or surgical unit. Exclude neonatal intensive care charges reported as a Level III Nursery Charge. Report charges for revenue code 20X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no intensive care charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(38) Coronary Care Charges. Routine service charges for medical care provided to patients with coronary illness who require a more intensive level of care than is rendered in the general medical unit. Report charges for revenue code 21X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no coronary care charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(39) Pharmacy Charges. Charges for medication. Report charges for revenue codes 25X and 63X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without

dollar signs or commas, excluding cents. Report zero (0) if there are no pharmacy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(40) Medical and Surgical Supply Charges. Charges for supply items required for patient care. Report charges for revenue codes 27X and 62X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no medical and surgical supply charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(41) Laboratory Charges. Charges for the performance of diagnostic and routine clinical laboratory tests and for diagnostic and routine tests in tissues and culture. Report charges for revenue codes 30X and 31X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no laboratory charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(42) Radiology or Other Imaging Charges. Charges for the performance of diagnostic and therapeutic radiology services including computed tomography, mammography, magnetic resonance imaging, nuclear medicine, and chemotherapy administration of radioactive substances. Report charges for revenue codes 32X through 35X, 40X and 61X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no radiology or other imaging charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(43) Cardiology Charges. Facility charges for cardiac procedures rendered such as, but not limited to, heart catheterization or coronary angiography. Report charges for revenue code 48X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no cardiology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(44) Respiratory Services or Pulmonary Function Charges. Charges for administration of oxygen, other inhalation services, and tests that evaluate the patient's respiratory capacities. Report charges for revenue codes 41X and 46X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no respiratory service or pulmonary function charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(45) Operating Room Charges. Charges for the use of the operating room. Report charges for revenue code 36X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report

zero (0) if there are no operating room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(46) Anesthesia Charges. Charges for anesthesia services by the facility. Report charges for revenue code 37X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no anesthesia charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(47) Recovery Room Charges. Charges for the use of the recovery room. Report charges for revenue code 71X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no recovery room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(48) Labor Room Charges. Charges for labor and delivery room services. Report charges for revenue code 72X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no labor room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(49) Emergency Room Charges. Charges for medical examinations and emergency treatment. Report charges for revenue code 45X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no emergency room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(50) Trauma Response Charges. Charges for a trauma team activation at a State of Florida licensed trauma center. Report charges for revenue code 68X used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no trauma response charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(51) Treatment or Observation Room Charges. Charges for use of a treatment room or for the room charge associated with observation services. Report charges for revenue code 76X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no treatment or observation room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(52) Behavioral Health Charges. Charges for behavioral health treatment and services. Report charges for revenue codes 90X through 91X and 100X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar

signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(53) Oncology. Charges for treatment of tumors and related diseases. Excludes therapeutic radiology services reported in radiology and other imaging services in paragraph (42). Report charges for revenue code 28X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no oncology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(54) Physical Therapy Charges. Charges for physical therapy in revenue codes 42X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(55) Occupational Therapy Charges. Charges for occupational therapy for revenue code 43X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(56) Speech Therapy or Language Pathology Charges. Charges for speech therapy or language pathology therapy for revenue code 44X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(57) Other Charges. Other facility charges not included in paragraphs (33) to (56) above. Include charges that are not reflected in any of the preceding specific revenue accounts in the UB-04. DO NOT include charges from revenue codes 96X, 97X, 98X, or 99X in the UB-04 for professional fees and personal convenience items. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no other charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(58) Total Gross Charges. The total of undiscounted charges for services rendered by the hospital. Include charges for services rendered by the hospital excluding professional fees. The sum of all charges reported above in paragraphs (33) through (57) must equal total charges, plus or minus thirteen (13) dollars. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Zero (0) or negative amounts are not permitted unless verified separately by the reporting entity. A required entry.



(59) Infant Linkage Identifier. The social security number of the patient's birth mother where the patient is less than two (2) years of age. A nine (9) digit field to facilitate retrieval of individual case records, to be used to link infant and mother records, and for medical research. Reporting 777777777 for the mother's SSN is acceptable for those patients where efforts to obtain the mother's SSN have been unsuccessful or the mother is known to be from a country other than the United States. Infants in the custody of the State of Florida or adoptions, use 333333333 if the birth mother's SSN is not available. A required field for patients whose age is less than two (2) years of age at admission. No entry is permitted if the patient is two (2) years of age or older. A required entry.

(60) Admitting Diagnosis. The diagnosis provided by the admitting physician at the time of admission which describes the patient's condition upon admission or purpose of admission. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. A required entry. Alpha characters must be in upper case.

(61) External Cause of Injury Code (1), External Cause of Injury Code (2) and External Cause of Injury Code (3). A code representing circumstances or conditions as the cause of the injury, poisoning, or other adverse effects recorded as a diagnosis. Assign appropriate E-codes for all initial encounters or treatments, but not for subsequent occurrences. A Place of Occurrence E-code (E849.X) should be included to describe where the event occurred if documented in the patient medical history. No more than three (3) external cause of injury codes may be reported. Must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(62) Emergency Date of Arrival. The date the patient registered in the Emergency Department if the visit results in an inpatient admission to the reporting facility. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Admission date must equal or precede the discharge date. Use 0000-00-00 for patients not admitted through the Emergency Department. A required entry.

(63) Emergency Department Hour of Arrival. The hour on a 24-hour clock during which the patient's registration in the emergency department occurred. A required entry. Use 99

where the patient was not admitted through the emergency department or where efforts to obtain the information have been unsuccessful. Must be two (2) digits as follows:

#### AM HOURS

1. 00 – 12:00 midnight to 12:59:59

2. 01 – 01:00 to 01:59:59

3. 02 – 02:00 to 02:59:59

4. 03 – 03:00 to 03:59:59

5. 04 – 04:00 to 04:59:59

6. 05 – 05:00 to 05:59:59

7. 06 – 06:00 to 06:59:59

8. 07 – 07:00 to 07:59:59

9. 08 – 08:00 to 08:59:59

10. 09 – 09:00 to 09:59:59

11. 10 – 10:00 to 10:59:59

12. 11 – 11:00 to 11:59:59

#### PM HOURS

13. 12 – 12:00 noon to 12:59:59

14. 13 – 01:00 to 01:59:59

15. 14 – 02:00 to 02:59:59

16. 15 – 03:00 to 03:59:59

17. 16 – 04:00 to 04:59:59

18. 17 – 05:00 to 05:59:59

19. 18 – 06:00 to 06:59:59

20. 19 – 07:00 to 07:59:59

21. 20 – 08:00 to 08:59:59

22. 21 – 09:00 to 09:59:59

23. 22 – 10:00 to 10:59:59

24. 23 – 11:00 to 11:59:59

25. 99 – Unknown.

(64) TRAILER RECORD. The last record in the data file shall be a trailer record and must accompany each data set. Report only the total number of patient data records contained in the file, excluding header and trailer records. The number entered must equal the number of records processed. Do not include leading zeros.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.07, 408.05, 408.062, 408.063 FS. History—New 1-1-10.

Editorial note: see former rule 59E-7.014.

#### 59E-7.029 Public Records.

(1) Agency records, public records under Chapter 119, F.S. (Florida's Public Records Law), are available for public inspection during normal business hours. Copies of such records may be obtained upon request and upon payment of the cost of copying.

(2) Patient-specific records collected by the Agency pursuant to Rules 59E-7.021 through 7.030, F.A.C., are exempt from disclosure pursuant to Section 408.061(7), F.S., and shall

not be released unless modified to protect patient confidentiality as described in paragraph (2)(a) below and released in the manner described in paragraphs (2)(c) and (2)(d).

(a) The patient-specific record shall be modified to protect patient confidentiality as follows:

1. Patient Control Number as assigned by the facility. Substitute sequential number.

2. Patient Social Security Number. Deleted. Indicators of readmission at any Florida reporting hospital within 30 days of discharge will be substituted when available. Readmission data will not be released for any quarter until each subsequent quarter is 100 percent certified.

3. Patient Birth Date. Substitute age in years and an indicator of Age < 29 Days except for persons 100 and older. substitute age > 100 years.

4. Admission Date. Deleted. (admit month cannot be substituted)

5. Discharge Date. Substitute quarters 1-4. (discharge month cannot be substituted).

6. Principal Procedure Date. Days from admission to Principal Procedure will be substituted.

7. Other Procedure Date. Days from admission to Other Procedure will be substituted.

8. Infant Linkage ID. Deleted.

9. Medical or Health Record Number. Substitute sequential number.

10. ED Date of Arrival. Visit Time Hours (VTH) will be substituted. The VTH will calculate the number of hours spent at the ED from registration to discharge.

(b) A record linkage number shall be assigned which does not identify an individual patient and cannot reasonably be used to identify an individual patient through use of data available through the Agency for Health Care Administration, but which can be used for confidential data output for bona fide research purposes.

(c) The modified data records described in paragraph (2)(a) shall be released as a set of all records occurring in one calendar quarter based on date of discharge.

(d) The modified data described in paragraph (2)(a) shall be released in accordance with the Limited Data Set requirements of the federal Health Insurance Portability and Accountability Act and shall be made available on or after quarterly data has been certified as accurate by the hospitals as required by Section 408.061(1)(a), F.S.

(3) Aggregate reports derived from patient-specific hospital records collected pursuant to Rules 59E-7.021 through 7.030, F.A.C., are public records and shall be released as described in this rule, provided that the aggregate reports do not include the patient control number as assigned by the facility, patient social security number, record linkage number, patient birth date, admission date, discharge date, principal

procedure date, other procedure date, infant linkage identifier or medical or health record number and provided the aggregate reports contain the combination of five or more records for any data disclosed.

(4) Requests for inpatient data shall be submitted by users sufficiently in advance of the desired delivery date to permit the Agency staff to respond without disruption of their duties. Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 119.07(1)(a), (2)(a), 408.061(7) FS. History—New 1-1-10.

Editorial note: see former rule 59E-7.015.

#### 59E-7.030 General Provisions.

Hospitals submitting inpatient discharge data pursuant to the provisions contained in these rules shall be directed by the following specific general provisions for inpatient data reporting beginning 1st quarter 2010:

(1) Any inpatient who is transferred or discharged from the acute care setting into a rehabilitative care distinct part unit or free standing hospital, must be reported as a separate record from the patients acute care record. The acute care discharge record is assigned data type one (1), and the comprehensive rehabilitative therapy discharge record is assigned data type two (2).

(2) If inpatients are administratively transferred or formally discharged from the acute care setting into a distinct-part Medicare certified skilled nursing unit or to hospice care, reporting accountability ceases at the time of discharge or transfer. Patient's receiving sub-acute care in these setting are excluded from inpatient reporting requirements.

(3) Observation patients are not included in the inpatient reported unless admitted to the hospital as an inpatient.

Proposed Effective Date is January 1, 2010.

Rulemaking Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.05, 408.062, 408.063, 408.07 FS. History—New 1-1-10.

Editorial note: former rule 59E-7.016.

### CHAPTER 59E-7 PART II DATA COLLECTION COMPREHENSIVE REHABILITATION

59E-7.201 Submission of Comprehensive Inpatient Rehabilitation Hospital Patient Data.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History—New 3-31-94, Repealed 1-1-10.

59E-7.202 Schedule for Submission of Patient Data and Extensions.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.08(9), 408.085 FS. History–New 3-31-94, Repealed 1-1-10.

59E-7.203 Reporting Instructions.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History–New 3-31-94, Repealed 1-1-10.

59E-7.204 Certification Procedures.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.08(9), 408.085 FS. History–New 3-31-94, Repealed 1-1-10.

59E-7.205 Patient Data Format – Data Elements and Codes.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History–New 3-31-94, Repealed 1-1-10.

59E-7.206 Patient Data Format – Record Layout.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History–New 3-31-94, Repealed 1-1-10.

59E-7.207 Data Standards.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History–New 3-31-94, Repealed 1-1-10.

59E-7.208 Notice of Potential Future Additional Data Requirements.

Proposed effective date of repeal is January 1, 2010.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History–New 3-31-94, Repealed 1-1-10.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Patrick Kennedy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, AHCA Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

## 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 Medicine

RULE NO.: 64B8-55.0021  
RULE TITLE: Discipline of Electrolysis Facilities  
PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify disciplinary guidelines.

SUMMARY: Disciplinary guidelines will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, at the address listed below.

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

RULEMAKING AUTHORITY: 456.037, 478.43(1) FS.

LAW IMPLEMENTED: 456.072(2)(c), (d), 456.037, 478.52(1)(k), (2)(b), (c), (f) 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: Allen Hall, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.0021 Discipline of Electrolysis Facilities.

Any business establishment that provides electrolysis services must have an active status license in order to provide such services. Failure to obtain and maintain an active status license as a licensed electrolysis facility pursuant to Rule 64B8-51.006, F.A.C., shall be subject to discipline as follows:

(1) A business establishment offering electrolysis services without an active status license shall:

(a) Cease and desist offering such services;

(b) Make application for a current status license pursuant to Rule 64B8-51.006, F.A.C., if the business establishment wishes to offer electrolysis services;

(c) Pay a fine equal to all licensure and renewal fees that would have been due for the time of operation without an active status license up to a maximum of \$5,000 and denial of license.

(2) Any electrolysis facility with an active status license that employs or permits an unlicensed person to deliver electrolysis services shall be subject to discipline as follows:

(a) Cause the unlicensed person to cease and desist from the delivery of electrolysis services;

(b) The facility licensure shall be suspended or revoked for up to one year;

(c) The facility shall be subject to a fine of up to \$1,000.

Rulemaking Specific Authority 456.037, 478.43(1) FS. Law Implemented 456.072(2)(c), (d) 456.037, 478.52(1)(k), (2)(b), (c), (f) FS. History—New 3-1-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrolysis Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NOS.:	RULE TITLES:
64J-1.008	Emergency Medical Technician
64J-1.009	Paramedic
64J-1.010	Voluntary Inactive Certification
64J-1.011	Involuntary Inactive Certification
64J-1.012	Examinations

PURPOSE AND EFFECT: The purpose of the rule revisions is to modify DH Form 1583, 08/07, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification, to include the applicant's National Registry of EMT candidate number, further define certification requirements for military trained applicants, replace DH Form 1164, 04/05, Statement of Good Standing, incorporate by reference the updated DH Form 1583 into Rule 64J-1.008, F.A.C., and to allow for online application and renewal process.

SUMMARY: The changes to DH Form 1583 are to facilitate the application process in an easier and quicker manner for applicants. The changes to the rule sections listed above are to reflect the changes to DH Form 1583, delete the name of the vendor for the EMT exams and to allow for online application and renewal process.

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.

RULEMAKING AUTHORITY: 401.211, 401.23, 401.24, 401.27, 401.2715, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.211, 401.23, 401.24, 401.27, 401.2715, 401.35, 401.41, 401.411 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: April 21, 2009, 2:00 p.m. – 3:00 p.m. (Eastern Standard Time)

PLACE: Southwood Office Complex – Betty Easley Meeting Rooms, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

A conference line will be available for those unable to attend in person. We request that parties from the same agency utilize one line if possible to allow other participants to dial in.

Toll free conference number: 1(888)808-6959; Conference code: 1454440

REQUEST FOR HEARING MUST BE RECEIVED IN WRITING TO: Lisa Walker, Government Analyst II at the address below.

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 days before the workshop/meeting by contacting: Alexander Macy, (850)245-4440, ext. 2735 or by email at: Alexander\_Macy@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Phone: (850)245-4440 ext. 2733; or email Lisa\_Walker2@doh.state.fl.us

NOTE: If you have written comments that you wish to be added to the record please send them to Lisa Walker before the hearing so your comments may be read into the record. A copy of DH Form 1583 can be found on the Legislation and Rules page at the Bureau of EMS website: <http://www.fl-ems.com>

THE FULL TEXT OF THE PROPOSED RULES IS:

64J-1.008 Emergency Medical Technician.

(1) Qualifications and Procedures for Certification pursuant to Section 401.27, F.S. To be qualified for EMT certification, an individual must:

(a)1. Successfully complete an initial EMT training program conducted in accordance with the 1994 U.S. DOT EMT-Basic National Standard Curriculum, which is incorporated by reference and is available for purchase from the Government Printing Office by telephoning (202)512-1800, or writing to the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburg, PA 15250-7954, or

2. If out of state or military trained in accordance with the 1994 U.S. DOT EMT-Basic National Standard Curriculum, currently hold a valid EMT certification from the National Registry of Emergency Medical Technicians or another U.S. state or territory which has the certifying authority to submit to the department DH Form 1583, 12/08, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification, 4164, April 05, Statement of Good Standing which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or at <http://www.FLhealthsource.com>.

(b) Apply for and pass Florida EMT certification examination on DH Form 1583, 12/08 8/07, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or at <http://www.FLhealthsource.com>,

(c) Possess a high school diploma or a General Education Development (GED) diploma.

(2) Renewal Certification – To maintain an active certificate the EMT shall pay the recertification fee and affirm continued compliance with all applicable requirements contained in paragraphs 64J-1.008(2)(a), (b) or (c), F.A.C., complete the certification renewal notice mailed by the department, To be eligible for renewal certification as an EMT an individual shall submit DH Form 622, October 06, EMT/Paramedic Renewal Certification Application, which is incorporated by reference and available from the department or apply for renewal online at [www.flhealthsource.com](http://www.flhealthsource.com); and within 2 years prior to the expiration date of his or her EMT certification complete one of the following:

(a) Complete 30 hours of EMT refresher training based on the 1996 U.S. DOT EMT-Basic National Standard Refresher Curriculum, an additional 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current CPR card as provided in Section 401.27(4)(e)2., F.S., and Rule 64J-1.022, F.A.C., CPR shall be included in the 30 hours of refresher training, provided that the CPR training is taken with a continuing education provider recognized by the department pursuant to Section 401.2715, F.S. The 1996 U.S. DOT EMT-Basic National Standard Refresher Curriculum shall be the criteria for department approval of refresher training courses. The department shall accept either the affirmation of a licensed EMS provider's medical director; or a certificate of completion of refresher

training from a department approved Florida training program or a department approved continuing education provider as proof of compliance with the above requirements. The 1996 U.S. DOT EMT-Basic National Standard Refresher Curriculum is incorporated by reference and available for purchase from the Government Printing Office by telephoning (202)512-1800 or writing to the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburg, PA 15250-7954.

(b) Successfully pass the EMT certification examination during the current certification cycle; and complete 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current CPR BLS card for the professional rescuer. Prior to taking the examination, a candidate must request approval to sit for the examination. Such approval is requested by submitting DH Form 1583, 12/08 8/07, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification to the department.

(c) Satisfactorily complete the first semester of the paramedic training course at a department approved Florida training center pursuant to Section 401.2701, F.S., within the current 2-year certification cycle. Complete 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S., and also maintain a current CPR card for the professional rescuer.

(d) An individual must provide to the department, upon request, proof of compliance with the requirements in this section.

(3) In the event an applicant or certified EMT changes the mailing address he or she has provided the department, the applicant or certified EMT shall notify the department within 10 days of the address change.

(4) Individuals who document their possession of the following in their application shall be deemed to satisfy subsection 64J-1.012(3), F.A.C., for certification as an EMT only while these criteria are applicable:

- (a) Status as a member of the United States military;
- (b) Valid EMT certification from the National Registry of Emergency Medical Technicians; and
- (c) Assignment to Florida as part of a training program to operate as an EMT.

Rulemaking Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, 10-24-05, 1-11-06, 1-23-07, 10-16-07, Formerly 64E-2.008, Amended.

## 64J-1.009 Paramedic.

(1) Qualifications and Procedures for Certification pursuant to Section 401.27, F.S. To be qualified for paramedic certification, an individual must:

(a)1. Successfully complete an initial paramedic training program that was conducted in accordance with the 1998 U.S. DOT EMT-Paramedic (EMT-P) National Standard Curriculum, (NSC), which is incorporated by reference and is available for purchase from the Government Printing Office by telephoning (202)512-1800, or

2. If out of state or military trained in accordance with the 1998 U.S. DOT EMT-Paramedic (EMT-P) NSC, currently hold a valid paramedic certification from the National Registry of Emergency Medical Technicians or be currently certified in another U.S. state or territory which has the certifying authority to submit to the department DH Form 1583, 12/08, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification ~~4164, April 05, Statement of Good Standing~~, which is incorporated by reference in Rule 64J-1.008, F.A.C. and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or at <http://www.FLhealthsource.com>;

(b) Apply for and pass Florida paramedic certification examination on DH form 1583, 12/08 8/07, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification which is incorporated by reference in Rule 64J-1.008, F.A.C.; and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or at <http://www.FLhealthsource.com>; and

(c) Possess a high school diploma or a General Education Development (GED) diploma.

(2) Renewal Certification – To maintain an active certificate the paramedic shall pay the recertification fee and affirm continued compliance with all applicable requirements contained in paragraph 64J-1.009(2)(a) or (b), F.A.C., complete the certification renewal notice mailed by the department. To be eligible for renewal certification as a paramedic an individual shall submit DH Form 622, October 06, EMT/Paramedic Renewal Certification Application which is incorporated by reference in subsection 64J-1.008(2), F.A.C. or apply for renewal online at [www.flhealthsource.com](http://www.flhealthsource.com), and within 2 years prior to the expiration date of his or her paramedic certification complete one of the following:

(a) Complete 30 hours of paramedic refresher training based on the 1998 U.S. D.O.T. EMT-Paramedic NSC, an additional 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S., and also maintain a current Advanced Cardiac Life Support (ACLS) card as provided in Section 401.27(4)(e)2., F.S. and Rule 64J-1.022, F.A.C. ACLS shall be included in the 30 hours of refresher training, provided that the ACLS training includes the continuing education criteria recognized by the department pursuant to Section 401.2715, F.S. The department shall accept

either the affirmation of a licensed EMS provider's medical director; or a certificate of completion of refresher training from a department approved Florida training program, or a department approved continuing education provider as proof of compliance with the above requirements.

(b) Successfully pass the paramedic certification examination during the current certification cycle; complete 2 hours of HIV/AIDS refresher training in accordance with Section 381.0034, F.S.; and also maintain a current ACLS card. Prior to taking the examination, a candidate must request approval to sit for the examination. Such approval is requested by submitting DH Form 1583, 12/08 8/07, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification to the department.

(3) An individual must provide to the department, upon request, proof of compliance with the requirements in this section.

(4) In the event an applicant or certified paramedic changes the mailing address he or she has provided the department, the applicant or certified paramedic shall notify the department within 10 days of the address change.

Rulemaking Specific Authority 381.0011, 381.0034, 381.0035, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.57, Amended 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.057, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, 10-24-05, 1-23-07, 10-16-07, Formerly 64E-2.009, Amended \_\_\_\_\_.

## 64J-1.010 Voluntary Inactive Certification.

An EMT or paramedic who is currently certified can place their certificate on inactive status by sending a written request to the department and paying a fee of \$50. Any EMT or paramedic whose certificate has been placed on inactive status shall not function as an EMT or paramedic until such time as he or she has completed the following requirements for reactivating the certificate:

(1) A certificate holder whose certificate has been on inactive status for 12 months or less can activate his or her certificate by submitting a written request to the department for activation and receiving written approval. Pay a late renewal fee of \$50.

(a) For an EMT, send verification of having a current American Heart Association Basic Life Support Course or an American Red Cross Professional Rescuer CPR course completion certificate and meet the continuing education requirements identified in paragraph 64J-1.008(2)(a), F.A.C.

(b) For a paramedic, send verification of a current American Heart Association Advanced Cardiac Life Support (ACLS) course completion certificate and meet the continuing education requirements identified in paragraph 64J-1.009(2)(a), F.A.C.

(2) An EMT whose certificate has been on inactive status for more than 1 year can activate his or her certificate by completing the following:

(a) 30 hours of EMT refresher training which shall be based on the 1996 U.S. DOT EMT-Basic National Standard Refresher Curriculum and 2 hours of human immunodeficiency virus and acquired immune deficiency syndrome (HIV AIDS) training. The 1996 U.S. DOT EMT-Basic National Standard Refresher Curriculum is incorporated by reference in Rule 64J-1.008, F.A.C. The training:

1. Shall have been completed after the EMT certificate was placed on inactive status and have been completed no more than 2 years prior to the date of receipt of the request for return to active status; and

2. Shall have been completed at a department approved EMT training program or have been approved by the medical director of a licensed EMS provider.

(b) Hold a current CPR card pursuant to Section 401.27(4)(e)1., F.S. and Rule 64J-1.022, F.A.C., or equivalent pursuant to Rule 64E-2.038, F.A.C.

(c) Complete a field internship. The internship shall be completed under the auspices of an EMS training program or a licensed ambulance service's medical director. Upon completion of the field internship, the certificate holder must provide the department with a signed statement from the medical director attesting that the certificate holder completed a field internship program in which he or she demonstrated the ability to assume patient care responsibilities.

(d) Pass the EMT certification examination. Should the applicant fail the examination, he or she must meet requirements for initial certification.

(e) After completion of the above requirements, submit to the department:

1. The required fee and affirmation of all applicable requirements contained in subsection 64J-1.010(2), F.A.C. ~~DH Form 622, October 06, EMT/Paramedic Renewal Certification Application which is incorporated by reference in subsection 64J-1.008(2), F.A.C. or apply for renewal online at www.flhealthsource.com.~~

2. DH Form 1583, ~~12/08 August 07~~, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification, which is incorporated by reference in Rule 64J-1.008, F.A.C. and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or at <http://www.FLhealthsource.com>

(3) A paramedic whose certificate has been on inactive status for more than 1 year can activate his or her certificate by completing the following:

(a) 30 hours of paramedic refresher training which shall be based on the 1998 U.S. DOT EMT-Paramedic NSC, which is incorporated by reference in Rule 64J-1.009, F.A.C., and 2 hours of human immunodeficiency virus and acquired immune deficiency syndrome (HIV AIDS) training. The training:

1. Shall have been completed after the paramedic certificate was placed on inactive status and have been completed no more than 2 years prior to the date of receipt of the request for return to active status; and

2. Shall have been completed at a department approved paramedic training program or have been approved by the medical director of a licensed EMS provider.

(b) Hold a current ACLS card pursuant to Section 401.27(4)(e)2., F.S. and Rule 64J-1.022, F.A.C., or equivalent pursuant to Rule 64J-1.022, F.A.C.

(c) Complete a field internship. The internship shall be completed under the auspices of an EMS training program or a licensed ambulance service's medical director. Upon completion of the field internship, the certificate holder must provide the department with a signed statement from the medical director attesting that the certificate holder completed a field internship program in which he or she demonstrated the ability to assume patient care responsibilities.

(d) Pass the paramedic certification examination. Should the applicant fail the examination, he or she must meet the requirements for initial certification.

(e) After completion of the above requirements, submit to the department:

1. The required fee and affirmation of all applicable requirements contained in subsection 64J-1.010(3), F.A.C. ~~DH Form 622, October 06, EMT/Paramedic Renewal Certification Application which is incorporated by reference in subsection 64J-1.008(2), F.A.C. or apply for renewal online at www.flhealthsource.com.~~

2. DH Form 1583, 12/08, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification, 1977, April 05, Paramedic Initial Certification Application which is incorporated by reference in Rule 64J-1.008, F.A.C., and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or at <http://www.FLhealthsource.com>.

Rulemaking Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. History--New 8-4-98, Amended 1-3-99, 9-3-00, 4-21-02, 6-3-02, 11-3-02, 10-24-05, 1-23-07, 10-16-07, Formerly 64E-2.0094, Amended \_\_\_\_\_.

64J-1.011 Involuntary Inactive Certification.

(1) An EMT or paramedic certificate that is not renewed at the end of the 2-year certification period shall automatically revert to an inactive status for a period of 180 days.

(2) Such certificates may be reactivated if the applicant submits the renewal certification fee required by Section 401.34, F.S., and a late renewal fee of \$25 and the following items to the department:

(a) ~~The required fees and affirmation of all applicable requirements, contained in subsection 64J-1.008(2) or 64J-1.009(2), F.A.C. DH Form 622, April 05, EMT/Paramedic Renewal Certification Application, which is incorporated by reference in subsection 64J-1.008(2), F.A.C.~~

(b) Verification of having met one of the recertification requirements contained in subsection 64J-1.008(2) or 64J-1.009(2), F.A.C. The requirements for recertification shall be completed before the end of the 180-day inactive certification period.

(3) An application for recertification received by the department more than 180 days after the expiration date of the certificate shall be denied. Such certificate holder is ineligible for recertification and must meet the requirements for initial certification.

Rulemaking Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. History—New 8-4-98, Amended 1-3-99, 9-3-00, 4-15-01, 10-24-05, Formerly 64E-2.0095, Amended

#### 64J-1.012 Examinations.

(1) Grade Notification – The department shall notify each candidate of the examination results. ~~The department may post scores electronically on the internet in lieu of mailing the scores to the candidate. The date of receipt is the date the examination scores are posted electronically (official score release date). If a candidate fails the certification examination developed or required by the department, he or she shall be notified by the department of examination review, and appeal rights and procedures.~~

#### (2) Post-Examination Review.

(a) A candidate who failed the examination shall notify the department or designee, in writing, that he or she desires ~~a~~ an post-examination review within 21 days of the official score release date indicated on the failure notice and include the required review fee of \$50 payable by cashier's check or money order to the department or designee. Upon receipt of payment, the department or designee shall notify the candidate of a review appointment.

(b) Each candidate, who has taken and failed the examination, shall have the right to post-examination review of those the examination questions answered incorrectly and the correct answers to those examination questions only booklet and a copy of his or her answer sheet.

(c) The candidate's attorney may ~~can~~ be present at the review.

(d) Examination reviews shall be conducted in the presence of a representative of the department or designee and scheduled at a location designated by the department or

designee. The review shall be conducted between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding official state holidays. A candidate shall attend only one review per examination administration. If the candidate is scheduled for an examination review date and fails to appear, the review fee shall be forfeited.

(e) The candidate shall be allowed one-half the time allowed for the original administration of the examination to review the examination materials provided. Neither the candidate nor the attorney shall be allowed to bring any material for documenting or recording any test material into the review session.

(f) A representative of the department or designee shall remain with the candidate throughout the review process. The representative shall inform the candidate that the representative cannot defend the examination, attempt to answer or refute any question during the review.

(g) The candidate shall be instructed that he or she is exercising his or her right of review.

(h) Any candidate who fails the examination and attends an examination review, pursuant to this section, shall not be eligible for reexamination for at least 30 days after the examination review.

#### (3) Examination Requirements:

~~(a) Pursuant to paragraph 401.27(4)(d), F.S., the examination required for certification as an EMT is the National Registry Emergency Medical Technician (NREMT) EMT Basic Examination, and the examination required for certification as a paramedic is the Florida Paramedic Certification Examination. Such examinations must be administered by the Department or the Department's authorized representatives.~~

~~(a)(b)~~ The following grades are the minimum scores required to pass the below-listed examinations:

1. ~~Florida~~ Paramedic Certification Examination, 80 percent or higher.

2. ~~NREMT~~ EMT-Basic Examination, 70 percent or higher.

(4) To be scheduled for a reexamination the requestor shall submit DH Form 1583, 12/08, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification 1975, April 05, Emergency Medical Technicians Re-exam, or Form 1978, Paramedics Re-exam, which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or at <http://www.FLhealthsource.com>. ~~The request shall be submitted so as to be received by the department in accordance with the published deadlines for examinations which may be obtained by contacting the department, as defined by subsection 64J-1.001(8), F.A.C.~~

(5) An EMT candidate must document successful completion of 24 hours of department-approved refresher training based on the 1994 U.S. DOT EMT-Basic National Standard Curriculum prior to being scheduled for another



attempt at the examination after three failures. An EMT applicant who has failed the examination six times is disqualified from certification and must successfully complete a full EMT training program, pursuant to paragraph 64J-1.008(1)(a), F.A.C., prior to being considered for subsequent examination and certification.

(6) A paramedic candidate must document successful completion of 48 hours of department-approved refresher training based on the 1998 U.S. DOT EMT-Paramedic National Standard Curriculum prior to being scheduled for another attempt at the certification examination after three failures. A paramedic applicant who has failed the examination six times is disqualified from certification and must successfully complete a full paramedic education program, pursuant to paragraph 64J-1.009(1)(a), F.A.C., prior to being considered for subsequent examination and certification.

(7) Persons with documented learning disabilities in the areas of reading decoding or reading comprehension or some form of documented disability or cognitive processing deficit specifically in the reading area which would negatively impact on the candidate's performance on the written or computer based examination may be eligible for special accommodations with the ~~written~~ certification examination. The person requesting the accommodation must provide documentation of the diagnosis before any decision shall be made by the department or designee for accommodation in the administration of the paramedic examination ~~and by the National Registry of Emergency Medical Technicians for accommodation in the administration of the EMT examination.~~

(a) Individuals who qualify for special accommodation on the written or computer based examination due to a documented learning disability as described above shall be required to take the standard format of the examination, but shall receive additional time in which to complete the examination based on the department's or designee's assessment of the severity of the learning disability.

(b) Other types of accommodations to meet the needs of applicant's disabilities shall be granted with appropriate documentation of disability as determined by the department or designee.

Rulemaking Specific Authority 381.0011, 401.27, 401.35 FS. Law Implemented 381.001, 401.27, 401.35 FS. History—New 4-26-84, Amended 3-11-85, Formerly 10D-66.575, Amended 4-12-88, 12-10-92, 12-10-95, 1-26-97, Formerly 10D-66.0575, Amended 8-4-98, 6-3-02, 11-3-02, 10-25-04, 10-24-05, Formerly 64E-2.010, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Vicki Grant, Executive Director, Florida Department of Health,  
Medical Quality Assurance, 4052 Bald Cypress Way,  
Tallahassee, FL 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: State Surgeon General Ana Viamonte Ros, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008, Vol./No. 34/24

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Agency for Persons with Disabilities

RULE NO.: 65G-4.0023  
RULE TITLE: Tier Two Waiver

PURPOSE AND EFFECT: To comply with Section 393.0661, F.S., requiring the Agency to implement the Second Tier of a Four Tiered Waiver System to serve clients with developmental disabilities.

SUMMARY: As amended in HB 5087 in 2008, Section 393.0661, F.S., now requires that the Agency amend the criteria for Tier Two of the Four Tiered Waiver System so that residential habilitation service clients are categorized by a moderate level of standard support or a minimal level of support for behavior focus residential habilitation services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Pursuant to Section 120.541, F.S., The Agency for Persons with Disabilities provides a summary of the Statement of Estimated Regulatory Costs (SERC). Rule 65G-4.023, F.A.C., is being revised to conform with the statutory change enacted in the 2008 legislative session, effective July 1, 2008. As amended in HB 5087 in 2008, Section 393.0661, F.S., now requires that the Agency amend the criteria for Tier Two of the Four tiered Waiver System so that residential habilitation service clients are categorized by a moderate level of standard support or a minimal level of support for behavior focus residential habilitation services rather than by an hourly minimum. The former statutory language for Tier Two stated: "The client's service needs include placement in a licensed residential facility and authorization for greater than five hours per day of residential habilitation services." The revised statutory language provides for a "moderate level of support for standard residential habilitation services or a minimal level of support for behavior focus residential habilitation services." There is no economic impact to the clients being served by the Developmental Disability Home and Community-based Waiver or its service providers due to the change in Rule 65G-4.023, F.A.C., to conform to the revised statutory language.

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

RULEMAKING AUTHORITY: 393.0661(1) FS.  
 LAW IMPLEMENTED: 393.0661(3)(b) FS.  
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: April 29, 2009, 2:00 p.m. – 5:00 p.m.  
 PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Third Floor, Conference Room 301, Tallahassee, Florida 32399  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Denise Arnold, Acting Bureau Chief, Home and Community Based Services, (850)488-3673

67-21.009  
 67-21.010  
 67-21.013  
 67-21.014  
 67-21.015  
 67-21.017  
 67-21.018  
 67-21.019

Interest Rate on Mortgage Loans  
 Issuance of Revenue Bonds  
 Non-Credit Enhanced Multifamily Mortgage Revenue Bonds  
 Credit Underwriting Procedures  
 Use of Bonds with Other Affordable Housing Finance Programs  
 Transfer of Ownership  
 Refundings and Troubled Development Review  
 Issuance of Bonds for Section 501(c)(3) Entities

THE FULL TEXT OF THE PROPOSED RULE IS:

65G-4.0023 Tier Two Waiver.

The total budget in a cost plan year for each Tier Two Waiver client shall not exceed \$55,000. The Tier Two Waiver is limited to clients who meet the following criteria:

(1) The client’s service needs include placement in a licensed residential facility and authorization for a moderate level of support for standard residential habilitation services or a minimal level of support for behavior focus residential habilitation services; greater than five hours per day of residential habilitation services; or

(2) The client is in supported living and is authorized to receive more than six hours a day of in-home support services.

Rulemaking Specific Authority 393.0661(3) FS. Law Implemented 393.0661(3)(b) FS. History–New 7-1-08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Denise Arnold, Bureau Chief, Home and Community Based Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim DeBeaugrine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

**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

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the 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 2009 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.

RULEMAKING 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: April 17, 2009, 9:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301. The hearing will be accessible via phone at 1(888)808-6959, Conference Code #1374197.

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 32301-1329; (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 ~~and~~, city, ~~state and zip code~~. If the address has not yet been assigned, include, at a minimum, street name and closest designated intersection ~~and~~, 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 ~~or Developer~~, (ii) serves as an officer or director of the Applicant ~~or Developer~~ or of any Affiliate of the Applicant ~~or Developer~~, ~~or~~ (iii) directly or indirectly receives or will receive a financial benefit from a Development, or (iv) is the spouse, parent, child, sibling, or relative by marriage of a person described in (i) ~~or~~ (ii) or (iii) 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 or responding to a request for proposal 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 21 Calendar ~~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 Developer or Applicant~~ entity who receives or will receive any direct or indirect financial benefit from a Development.

(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) "Funding Cycle" means the period of time commencing with the Notice of Funding Availability pursuant to this rule chapter and concluding with the issuance of allocations to Applicants who applied during a given Application Period.

~~(44)(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.

~~(45)(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.

~~(46)(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.

~~(47)(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.

~~(48)~~(47) “HUD” means the United States Department of Housing and Urban Development.

~~(49)~~(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.

~~(50)~~(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.

~~(51)~~(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 2009 2008 Universal Application link labeled Related References Information and Links.

~~(52)~~(51) “Issuer” means the Florida Housing Finance Corporation.

~~(53)~~(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.

~~(54)~~(53) “Local Government” means Local government as defined in Section 420.503, F.S.

~~(55)~~(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.

~~(56)~~(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.

~~(57)~~(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.)

~~(58)~~(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.

~~(59)~~(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.

~~(60)~~(59) “MMRB Loan” means the loan made by the Corporation to the Applicant from the proceeds of the Bonds issued by the Corporation.

~~(61)~~(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.

~~(62)~~(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.

~~(63)~~(62) “MMRB Program” means the Corporation’s Multifamily Mortgage Revenue Bond Program.

~~(64)~~(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.

~~(65)~~(64) “Mortgage” means Mortgage as defined in Section 420.503, F.S.

~~(66)~~(65) “Mortgage Loan” means Mortgage loan as defined in Section 420.503, F.S.

~~(67)~~ “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.

~~(68)(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.

~~(69)(67)~~ “Principal” means (i) ~~an Applicant~~, any general partner of an Applicant or Developer, any limited partner of an Applicant or Developer, any manager or member of an Applicant or Developer, any officer, director or shareholder of an Applicant or Developer, (ii) any officer, director, shareholder, manager, member, general partner or limited partner of any general partner and limited partner of an Applicant or Developer, (iii) any officer, director, shareholder, manager, member, general partner or limited partner of any manager or ~~and~~ member of an Applicant or Developer, and (iv) any officer, director, shareholder, manager, member, general partner or limited partner of any shareholder of an Applicant or Developer.

~~(70)(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.

~~(71)(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.

~~(72)(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.

~~(73)(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.

~~(74)(72)~~ “Qualified Lending Institution” means any lending institution designated by the Corporation.

~~(75)(73)~~ “Qualified Project Period” means Qualified Project Period as defined in Section 142(d) of the IRC.

~~(76)(74)~~ “Received” as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, United States 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.

~~(77)(75)~~ “Rehabilitation Expenditures” has the meaning set forth in section 147(d)(3) of the IRC.

~~(78)(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.

~~(79)(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.

~~(80)(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.

~~(81)(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.

~~(82)(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.

~~(83)(81)~~ “State Office on Homelessness” means the office created within the Department of Children and Family Services under Section 420.622, F.S.

~~(84)(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.

~~(85)(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.

~~(86)(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.

~~(87)(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.

~~(88)(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.

~~(89)(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.

~~(90)(88)~~ “Universal Cycle” means any funding cycle provided for in this or previous versions of this rule chapter.

~~(91)(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.

~~(92)(90)~~ “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) of which is [www.floridahousing.org](http://www.floridahousing.org).

Rulemaking 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, 3-30-08, \_\_\_\_\_.

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. ~~5-09 3-08~~) 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 2009 2008 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 will be provided a time period for filing a written Notice of Possible Scoring Error (NOPSE). Such time period will be no fewer than three (3) must file with the Corporation, within 8 Calendar Days from ~~of~~ the date the preliminary scores are sent by overnight delivery by the Corporation, ~~a written Notice of Possible Scoring Error (NOPSE). The deadline for filing a NOPSE will be provided at the time the preliminary scores are issued.~~ 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. To be considered Received timely, the Applicant must submit one (1) original hard copy and three (3) photocopies of each NOPSE. The Corporation will not consider any NOPSE submitted via facsimile or other electronic transmission.

(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~~ Developer 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 ("cures") 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. The time period for submitting the "cures" will be no fewer than three (3) Calendar Days from the date the notice set forth in subsection (5) above is sent by overnight delivery by the Corporation. Such notice will provide the deadline for submitting the "cures."~~ 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 one (1) an original hard copy and three (3) photocopies 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. The time period for submitting each NOAD will be no fewer than three (3) Calendar Days from the deadline for receipt by the Corporation of the documentation set forth in subsection (6) above. The notice set forth in subsection (5) above will provide the deadline for submitting the NOAD.~~ 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. To be considered Received timely, the Applicant must submit one (1) original hard copy and three (3) photocopies of each NOAD. The Corporation will not consider any NOAD submitted via facsimile or other electronic transmission.

(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.

(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) 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) 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) 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) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;

(m) Payment of the required Application fee and TEFRA fee by the Application Deadline.

(n) 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 Developer 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, Title 67, F.A.C. 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 or Developer will not be able to produce quality affordable housing, be denied and the Applicant or Developer 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 or been awarded funding from 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.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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 3-30-08,\_\_\_\_\_.

#### 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).

Rulemaking 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 9I-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, 3-30-08,\_\_\_\_\_.

#### 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.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

#### 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 two 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.

Rulemaking 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, 3-30-08, \_\_\_\_\_.

#### 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, 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. 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.

Rulemaking 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 3-30-08, \_\_\_\_\_.

#### 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 after closing 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.

Rulemaking 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, Amended 3-30-08, Repromulgated\_\_\_\_\_.

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.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

#### 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 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. The Credit Underwriter must review and determine whether there will be a negative impact to Guarantee Fund Developments within the primary market area or five (5) miles of the proposed Development, whichever is greater.

(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 by an independent licensed Certified Public Accountant 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 2009 2008 Universal Application link labeled Related References 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.

(i) The Credit Underwriter shall require an operating deficit guarantee. The operating deficit guarantee will be released when the Development achieves an average 1.15 ~~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 twelve (12) ~~six~~ consecutive months as certified by an independent Certified Public Accountant, and verified by the Credit Underwriter.

(j) The Credit Underwriter shall also require environmental indemnity and recourse obligation guarantees.

(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. For the Credit Underwriter to make a favorable recommendation, the submarket of the proposed Development must have an average occupancy rate of 90% or greater.

(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.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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, 3-30-08, \_\_\_\_\_.

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.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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 3-30-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Conner, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Oellerich, Chairman of the Board, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 36, September 5, 2008

**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 2009 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.

RULEMAKING 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: April 17, 2009, 9:00 a.m.  
 PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301. The hearing will be accessible via phone at 1(888)808-6959, Conference Code #1374197.

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 (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: Deborah Dozier Blinderman, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

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.

Rulemaking 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 3-30-08, Repromulgated.

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 and; city, ~~state and zip code~~. If address has not yet been assigned, include, at a minimum, street name and closest designated intersection and; 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 2009 2008 Universal Application link labeled Related References 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 or Developer, (ii) serves as an officer or director of the Applicant or Developer or of any Affiliate of the Applicant or Developer, ~~or~~ (iii) directly or indirectly receives or will receive a financial benefit from a Development except as further described in Rule 67-48.0075, F.A.C., or (iv) is the spouse, parent, child, sibling, or relative by marriage of a person described in (i), ~~or~~ (ii) or (iii) 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 or responding to a request for proposal 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 21 Calendar ~~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 2009 2008 Universal Application link labeled Related References 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 2009 2008 Universal Application link labeled Related References 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) “Department” means the Department of Community Affairs as defined in Section 420.503, F.S.

(29) “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) “Development” means Project as defined in Section 420.503, F.S.

(31) “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 Applicant or Developer, Principal(s) of the Applicant or Developer or any Affiliate of the Principal(s) of the Applicant or Developer, 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) “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) “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.

(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) “Domestic Violence” means Domestic violence as defined in Section 741.28, F.S.

~~(36)(35)~~ “Draw” means the disbursement of funds to a Development.

~~(37)(36)~~ “Elderly” means Elderly as defined in Section 420.503, F.S.

~~(38)(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.

~~(39)(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.

~~(40)(39)~~ “ELI Set-Aside” or “Extremely Low Income Set-Aside” means the number of units designated to serve ELI Households.

~~(41)(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.

~~(42)(41)~~ “EUA” or “Extended Use Agreement” means, with respect to the HC Program, an agreement which sets forth the set-aside requirements and other Development requirements under the HC Program.

~~(43)(42)~~ “Executive Director” means the Executive Director of the Corporation.

~~(44)(43)~~ “Family” describes a household composed of one or more persons.

~~(45)(44)~~ “Farmworker” means Farmworker as defined in Section 420.503, F.S.

~~(46)(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.

~~(47)(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.

~~(48)(47)~~ “Financial Beneficiary” means any ~~Developer and its principals~~ or Principals of the Developer or Applicant entity who receives or will receive any direct or indirect financial benefit from a Development except as further described in Rule 67-48.0075, F.A.C.

~~(49)(48)~~ “Financial Institution” means Lending institution as defined in Section 420.503, F.S.

~~(50)(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.

~~(51)~~~~(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.

~~(52)~~~~(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.

~~(53)~~~~(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.

~~(54)~~~~(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.

~~(55)~~~~(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 2009 ~~2008~~ Universal Application link labeled Related References Information and Links, and Section 420.5089, F.S.

~~(56)~~~~(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.

~~(57)~~~~(56)~~ “HOME Development” means any Development which receives financial assistance from the Corporation under the HOME Program.

~~(58)~~~~(57)~~ “HOME Rental Development” means a Development proposed to be constructed or rehabilitated with HOME funds.

~~(59)~~~~(58)~~ “HOME Rent-Restricted Unit” means the maximum allowable rents designed to ensure affordability on the HOME-Assisted Units.

~~(60)~~~~(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.

~~(61)~~~~(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.

~~(62)~~~~(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.

~~(63)~~~~(62)~~ “Housing Credit Development” means the proposed or existing rental housing Development(s) for which Housing Credits have been applied or received.

~~(64)~~~~(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.

~~(65)~~~~(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.

~~(66)~~~~(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.

~~(67)~~~~(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.

~~(68)~~~~(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.

~~(69)(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.

~~(70)(69)~~ “HUD” means the United States Department of Housing and Urban Development.

~~(71)(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 2009 2008 Universal Application link labeled Related ~~References Information~~ and Links.

(72) “Joint Venture Application” means an Application in which the Applicant is either a Joint Venture Non-Profit Applicant or a Joint Venture Public Housing Authority Applicant.

(73) “Joint Venture Non-Profit Applicant” means an Applicant that (i) states in its Application that it is applying as a Non-Profit and (ii) is a legal entity which is owned by two or more separate and distinct legal entities which share no common ownership between or among them, at least one of which is a Non-Profit entity, as defined in Rule 67-48.002, F.A.C., provided such Non-Profit is receiving at least 25 percent of the total Developer fee.

(74) “Joint Venture Public Housing Authority Applicant” means an Applicant that is a legal entity which is owned by two or more separate and distinct legal entities which share no common ownership between or among them, at least one of which is a Public Housing Authority or an entity created under Section 421.08(8), F.S.

~~(75)(74)~~ “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 of Continuum of Care Plan, in accordance with Section 420.624, F.S.

~~(76)(72)~~ “Local Government” means Local government as defined in Section 420.503, F.S.

~~(77)(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.

~~(78)(74)~~ “Low Income” means the Adjusted Income for a Family which does not exceed 80 percent of the area median income.

~~(79)(75)~~ “LURA” or “Land Use Restriction Agreement” means an agreement which sets forth the set-aside requirements and other Development requirements under a Corporation program.

~~(80)(76)~~ “Match” means non-federal contributions to a HOME Development eligible pursuant to 24 CFR Part 92.

~~(81)(77)~~ “Mortgage” means Mortgage as defined in Section 420.503, F.S.

(82) “Non-Joint Venture Application” means an Application other than a Joint Venture Application.

~~(83)(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.

~~(84)(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.

~~(85)(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.

(86) “Person with a Disability” means, pursuant to Section 3 of the Americans with Disabilities Act of 1990, which is incorporated by reference and available on the Corporation’s Website under the 2009 Universal Application link labeled Related References and Links, an individual to which both of the following applies: (i) the individual has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, and (ii) the individual is currently or was formerly regarded as having an existing record of such an impairment.

(87) “Pool of Related Applications” means a group of Related Applications comprised of all Related Applications submitted in the same Funding Cycle that share among such Related Applications one or more Principals or Affiliates of an Applicant or Developer common to any or all such Related Applications.

~~(88)(84)~~ “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.

~~(89)(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.

~~(90)~~(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.

~~(91)~~(84) “Preservation” means, with respect to a Competitive HC Development, Rehabilitation of existing developments receiving PBRA.

~~(92)~~(85) “Principal” means (i) ~~an Applicant~~, any general partner of an Applicant or Developer, any limited partner of an Applicant or Developer, any manager or member of an Applicant or Developer, any officer, director or shareholder of an Applicant or Developer, (ii) any officer, director, shareholder, manager, member, general partner or limited partner of any general partner and limited partner of an Applicant or Developer, (iii) any officer, director, shareholder, manager, member, general partner or limited partner of any manager or ~~and~~ member of an Applicant or Developer, and (iv) any officer, director, shareholder, manager, member, general partner or limited partner of any shareholder of an Applicant or Developer.

~~(93)~~(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 ~~2009~~ ~~2008~~ Universal Application link labeled Related References ~~Information~~ and Links or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

~~(94)~~(87) “Project” or “Property” means Project as defined in Section 420.503, F.S.

~~(95)~~(88) “QAP” or “Qualified Allocation Plan” means, with respect to the HC Program, the ~~2009~~ ~~2008~~ 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 ~~2009~~ ~~2008~~ Universal Application link labeled Related References ~~Information~~ and Links or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

~~(96)~~(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.

~~(97)~~(90) “RD” or “Rural Development” means Rural Development Services (formerly the “Farmer’s Home Administration” or “FmHA”) of the United States Department of Agriculture.

~~(98)~~(91) “Received” as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, United States 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.

~~(99)~~(92) “Rehabilitation” means, with respect to the HOME and Housing Credit Program(s), the alteration, improvement or modification of an existing structure where less than 50 percent of the proposed construction work consists of new construction, as further described in Rule 67-48.0075, F.A.C.

(100) “Related Application” means an Application submitted in the same Funding Cycle that shares one or more Principals or Affiliates of an Applicant or Developer common to any or all of the Principals or Affiliates of an Applicant or Developer in another Application in the same Funding Cycle. Notwithstanding the foregoing, an Application shall not be deemed to be related to another Application if the only Principal or Affiliate of an Applicant or Developer that it shares with such other Application is (i) a Public Housing Authority or an entity created under Section 421.08(8), F.S., or (ii) a Non-Profit as defined in Rule 67-48.002, F.A.C., that is receiving at least 25 percent of the total Developer fee.

~~(101)~~(93) “Review Committee” means a committee established pursuant to Sections 420.5087 and 420.5089, F.S.

~~(102)~~(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.

~~(103)~~(95) “SAIL” or “SAIL Program” means the State Apartment Incentive Loan Program created pursuant to Sections 420.507(22) and 420.5087, F.S.

~~(104)~~(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.

(105)(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.

~~(106)~~(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.

~~(107)(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 2009 2008 Universal Application link labeled Related References Information and Links.

~~(108)(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.

~~(109)~~ “Special Needs Household” means a household consisting of a Family that is considered to be Homeless, a survivor of Domestic Violence, a Person with a Disability, or Youth Aging Out of Foster Care. These households require initial, intermittent or on-going supportive services from one or more community based service providers to obtain and retain stable, adequate and safe housing in their communities.

~~(110)~~ “Special Needs Household Referral Agency” means a participating organization that is included on the Special Needs Household Referral Agency Participation List, effective 1-12-09, incorporated by reference and available on the Corporation’s Website under the 2009 Universal Application link labeled Related References and Links.

~~(111)(101)~~ “Sponsor” means Sponsor as defined in Section 420.503, F.S.

~~(112)(102)~~ “State Office on Homelessness” means the office created within the Department of Children and Family Services under Section 420.622, F.S.

~~(113)(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 and less than 50 percent of the proposed construction work consists of new construction. 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.

~~(114)(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.

~~(115)(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.

~~(116)(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.

~~(117)(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.

~~(118)(108)~~ “Universal Cycle” means any Funding Cycle provided for in this or previous versions of this rule chapter.

~~(119)(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.

~~(120)(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.

(121)(114) "Website" means the Florida Housing Finance Corporation's website, the Universal Resource Locator (URL) for which is [www.floridahousing.org](http://www.floridahousing.org).

(122) "Youth Aging Out of Foster Care" means youth or young adults participating in independent living transition services pursuant to Section 409.1451, F.S., and meeting the eligibility requirements pursuant to Section 409.1451(2)(b), F.S.

Rulemaking 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, 3-30-08, \_\_\_\_\_.

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. ~~5-09-08~~) 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 2009 ~~2008~~ 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 will be provided a time period for filing a written Notice of Possible Scoring Error (NOPSE). Such time period will be no fewer than three (3) must file with the Corporation, within eight (8) Calendar Days from of the date the preliminary scores are sent by overnight delivery by the Corporation, ~~a written Notice of Possible Scoring Error (NOPSE). The deadline for filing a NOPSE will be provided at the time the preliminary scores are issued.~~ 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. To be considered Received timely, the Applicant must submit one (1) original hard copy and three (3) photocopies of each NOPSE. The Corporation will not consider any NOPSE submitted via facsimile or other electronic transmission.

(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 Developer 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 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 ("cures") 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. The time period for submitting the "cures" will be no fewer than three (3) Calendar Days from the date the notice set forth in subsection (5) above is sent by overnight delivery by the Corporation. Such notice will provide the deadline for submitting the "cures."~~ 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 one (1) original hard copy and three (3) photocopies 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. The time period for submitting each NOAD will be no fewer than three (3) Calendar Days from the deadline for receipt by the Corporation of the documentation set forth in subsection (6) above. The notice set forth in subsection (5) above will provide the deadline for submitting the NOAD. 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. To be considered Received timely, the Applicant must submit one (1) original hard copy and three (3) photocopies of each NOAD. The Corporation will not consider any NOAD submitted via facsimile or other electronic transmission.~~

(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 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.

(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. 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) Total number of units; notwithstanding the foregoing, for the SAIL and HC Programs 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) 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;

(k) 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;

(l) 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 by HUD 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) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;

(o) Payment of the required Application fee by the Application Deadline;

(p) The Application labeled "Original Hard Copy" must include a properly completed Applicant Certification and Acknowledgement form reflecting an original signature.

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 Developer 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, Title 67, F.A.C. 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 or Developer will not be able to produce quality affordable housing, be denied and the Applicant or Developer 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 or been awarded funding from 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.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

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. ~~For HC, 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 or 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. ~~For HC, 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 or, 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.

Rulemaking 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, 3-30-08, \_\_\_\_\_.

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 Programs, 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 extension fees.
- (15) Processing 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.

Rulemaking 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, Repromulgated 3-30-08, Amended \_\_\_\_\_.

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) Within 10 business days ~~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. In addition, SAIL Applicants shall submit the administrative fee to the Corporation within seven (7) Calendar Days of the date of the letter of invitation.

(b) Failure to submit the required credit underwriting fee or SAIL administrative fee, if applicable, 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 on or before October 15, 2010 within 14 months of the issuance of the preliminary commitment.~~ Applicants may request one (1) extension of up to ~~12~~ 40 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 ~~October 15, 2010 the initial 14 month period.~~ In the event the loan does not close ~~by October 15, 2011 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.

(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 Syndicators 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 SAIL or HOME loan, a Housing Credit Allocation, or a combined SAIL loan and Housing Credit Allocation; ~~or a Housing Credit Allocation and HOME supplemental loan.~~ The Credit Underwriter must review and determine whether there will be a negative impact to Guarantee Fund Developments within the primary market area or five (5) miles of the proposed Development, whichever is greater. 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. For the Credit Underwriter to make a favorable recommendation, the submarket of the proposed Development must have an average occupancy rate of 90 percent or greater.

(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 Housing Credits. 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 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 2009 2008 Universal Application link labeled Related References 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, with the following exceptions:

1. 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; and

2. A Developer fee of 21 percent of Development Cost shall be allowed if the proposed Development is qualified for Competitive Housing Credits with a demographic commitment of Homeless; however, an amount equal to the difference between the Developer fee and an amount equal to 16 percent of Development Cost must be placed in an operating subsidy reserve account to be held by the Corporation or its servicer. Any disbursements from said operating subsidy reserve account shall be reviewed and approved by the Corporation or its servicer. Upon the expiration of the Compliance Period, any remaining balance may be drawn to pay down any outstanding SAIL or HOME debt on the proposed Development or such other Corporation loan debt on the proposed Development. If there is no Corporation loan debt on the proposed Development at the end of the Compliance Period, then any remaining balance in said operating subsidy reserve account shall be placed in a replacement reserve account for the

proposed Development. In no event shall the remaining balance in said operating subsidy reserve account be paid to the Developer.

(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.

(18) For SAIL and HOME Applications, the Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of an average 1.15 ~~1.10~~ debt service coverage for a minimum of 12 ~~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.

(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.

(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, or both, as applicable, 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 withdrawal of the preliminary commitment or the HC invitation to enter credit underwriting, or both, as applicable, 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 ~~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 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 an 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 ~~November~~ ~~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 2009 2008 Universal Application link labeled Related References 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.

Rulemaking 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, 3-30-08, \_\_\_\_\_.



## 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 and Affiliate, as defined in Rule 67-48.002, F.A.C., do does not include third party lenders, third party management agents or companies, third party service providers, 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., provided such parties do not share in the profits of the Development.

(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 Mac DUS Guide, effective August 10, 2006, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2008 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 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.~~

~~(7)(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 2009 2008 Universal Application link labeled Related References Information and Links.

Rulemaking 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, 3-30-08, \_\_\_\_\_.

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, 2007 2006.

(b) The proposed Development 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 has been provided to the Corporation prior to the Application Deadline for the current cycle ~~that it is withdrawing its acceptance of such allocation or commitment~~ and returning ~~the its~~ HC funding from the prior cycle.

(c) ~~The Applicant has already accepted~~ A preliminary commitment of funding for the proposed Development through the SAIL Program has already been accepted, unless ~~the Applicant has provided~~ written notice has been provided to the Corporation prior to the Application Deadline for the current cycle ~~that it is withdrawing such its~~ acceptance and returning the its prior SAIL funding.

(d) ~~The Applicant has already accepted~~ A preliminary commitment of funding for the proposed Development through the 2005 or 2006 RRLP Program has already been accepted, unless ~~the Applicant has provided~~ written notice has been provided to the Corporation prior to the Application Deadline for the current cycle ~~that it is withdrawing such its~~ acceptance and returning the 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 intended to foster the development or maintenance of affordable housing, with the following 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, ~~2007 2006~~, and (iii) a LURA or EUA, or both, for an existing building or buildings, originally constructed at least 25 years prior to the Application Deadline for the current Funding Cycle, where, in the current Application, the Applicant has selected and qualified for the Homeless demographic commitment with a Development category of Rehabilitation/Substantial Rehabilitation or Acquisition and Rehabilitation/Substantial Rehabilitation.

(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~~

~~(e) 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.~~

Rulemaking 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-48.009, 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, 3-30-08, \_\_\_\_\_.

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.

Rulemaking Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 12-23-96, Amended 1-6-98, Formerly 9I-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 3-30-08,\_\_\_\_\_.

#### 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 Financial SAIL Cash Flow Reporting Form SR-1, or shall be due annually as determined by the Corporation's Board of Directors. Such determination by the Board shall be based upon a written recommendation by the Credit Underwriter which has considered the economic and financial viability of the Development as well as the protection of the Corporation's repayment of principal and interest. Any distribution or payment to the Principal(s) of the Applicant or Developer or any Affiliate of the Principal of the Applicant or ~~to the~~ Developer or any Affiliate of the Applicant or 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 Financial 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, ~~Financial Cash Flow Reporting Form SR-1, Rev. 9/05~~, which is incorporated by reference in Rule Chapter 67-53, F.A.C. Form SR-1 can be obtained from the Credit Underwriter acting as the assigned servicer or on the Corporation's Website under the 2008 Universal Application link labeled Related Information and Links. The audited financial statements are to be prepared in accordance with accounting principles generally accepted in the United States of America and audited in accordance with auditing standards generally accepted in the United States of America ~~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 ~~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 ~~16, 2007~~ ~~10, 2006~~, which is adopted and incorporated herein by reference and available on the Corporation's Website under the ~~2009~~ ~~2008~~ Universal Application link labeled Related References 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 mortgage, 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 ~~2009~~ ~~2008~~ Universal Application link labeled Related References 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 contain occupied units at the time of closing, the Compliance Period shall begin not later than the termination of the last lease executed prior to closing of the SAIL loan.

Rulemaking 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-48.010, 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, 3-30-08, \_\_\_\_\_.

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~~ 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.

Rulemaking Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History--New 12-23-96, Amended 1-6-98, Formerly 91-48.0105, 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 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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 3-30-08,\_\_\_\_\_.

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 2009 2008 Universal Application link labeled Related References 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. A copy of such chart is available on the Corporation's Website under the 2009 2008 Universal Application link labeled Related References 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) the termination of the last lease executed prior to closing of the HOME loan or (ii) at project completion as defined in 24 CFR § 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 2009 2008 Universal Application link labeled Related References Information and Links.

(10) All HOME Developments must conform to the following federal requirements which are available on the Corporation's Website under the 2009 2008 Universal Application link labeled Related References 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.

Rulemaking 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 91-48.014, 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, 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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 91-48.015, 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, 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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 91-48.017, 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, 3-30-08,\_\_\_\_\_.

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 proposed Development 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 has been provided to the Corporation prior to the Application Deadline for the current cycle ~~that it is withdrawing its acceptance of such allocation or commitment~~ 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 has already been accepted, unless ~~the Applicant has provided~~ written notice has been provided to the Corporation prior to the Application Deadline for the current cycle ~~that it is withdrawing such its acceptance and returning the 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 intended to foster the development or maintenance of affordable housing, with the following exceptions. Those exceptions being (i) a LURA recorded in conjunction with the excluding Predevelopment Loan Program ~~funds, intended to foster the development or maintenance of affordable housing and (ii) a LURA or EUA, or both, for an existing building or buildings, originally constructed at least 25 years prior to the Application Deadline for the current Funding Cycle, where, in the current Application, the Applicant has selected and qualified for the Homeless demographic commitment with a Development category of Rehabilitation or Acquisition and Rehabilitation.~~

(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 2009 ~~2008~~ Universal Application link labeled Related References 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 2009 ~~2008~~ Universal Application link labeled Related References Information and Links.

(b) An eligible public housing authority's request for funding shall be based upon demonstration of recipient need.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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, 3-30-08,\_\_\_\_\_.

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 or managing member 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 or managing member 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 or managing member 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 or managing member 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 ~~16, 2007~~ ~~10, 2006~~, which is adopted and incorporated herein by reference and available on the Corporation's Website under the ~~2009~~ ~~2008~~ Universal Application link labeled Related References 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.

Rulemaking 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 91-48.020, 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, 3-30-08,\_\_\_\_\_.

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.

Rulemaking Specific Authority 420.507(12) FS. Law Implemented 420.5089(7), (8), (9) FS. History—New 12-23-96, Amended 1-6-98, Formerly 91-48.0205, 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 3-30-08,\_\_\_\_\_.

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.

Rulemaking 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 3-30-08,\_\_\_\_\_.

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 proposed Development Applicant has received an allocation of Housing Credits or a Competitive Housing Credit commitment ~~for the proposed Development~~, unless ~~the Applicant has provided~~ has been provided to the Corporation prior to the Application Deadline for the current cycle ~~that it is withdrawing its acceptance of such allocation or commitment~~ 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 has already been accepted, unless ~~the Applicant has provided~~ has been provided to the Corporation prior to the Application Deadline for the current cycle ~~that it is withdrawing such 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 intended to foster the development or maintenance of affordable housing, with the following exceptions. Those exceptions being (i) a LURA recorded in conjunction with excluding Predevelopment Loan Program the and (ii) a LURA or EUA, or both, for an existing building or buildings, originally constructed at least 25 years prior to the Application Deadline for the current Funding Cycle, where, in the current Application, the Applicant has selected and qualified for the Homeless demographic commitment with a Development category of Rehabilitation or Acquisition and Rehabilitation 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.~~

~~(2)(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.

~~(3)(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.

~~(4)(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 2009 2008 Universal Application link labeled Related References Information and Links.

(5)(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.

(6) Prior to execution of the limited partnership agreement or limited liability company operating agreement between the Applicant and the limited partners/members, the Applicant must receive written approval from the Corporation or its Credit Underwriter that the Housing Credit Syndicator is in good standing with the Corporation. Proceeding with execution of a partnership agreement or operating agreement with a Housing Credit Syndicator that is not in good standing shall result in withdrawal of the Housing Credit Allocation.

(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 2009 2008 Universal Application link labeled Related References 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. August 2008 April 2004, is adopted and incorporated herein by reference and available on the Corporation's Website under the 2009 2008 Universal Application link labeled Related References 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 2008 2006, is adopted and incorporated herein by reference and available on the Corporation's Website under the 2009 2008 Universal Application link labeled Related References 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, 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 Developer, or Principal, Affiliate or Financial Beneficiary of an Applicant or Developer is in arrears to the Corporation or any agent or assignee of the Corporation have been satisfied.

Rulemaking 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 91-48.023, 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, 3-30-08, \_\_\_\_\_.

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.; however, when the regulatory period for the tax-exempt bonds terminates prior to the expiration of the Housing Credit Extended Use Period, a separate compliance monitoring fee is required for the remainder of the Housing Credit Extended Use Period;

(c) Be deemed to have met all HC Program scoring threshold requirements upon the closing of the bonds with the Corporation;

(d) Receive a Preliminary Determination upon the Corporation's issuance of a loan commitment in reference to the tax-exempt bonds;

(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 and 67-48.028, F.A.C.;

(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; however, when the regulatory period for Corporation-issued tax-exempt bond financing terminates prior to the expiration of the Housing Credit Extended Use Period, a separate compliance monitoring fee is required for the remainder of the Housing Credit Extended Use Period.

(m) After bonds are issued to the Development, make Application to the Corporation as required in Rules 67-48.004 and 67-48.0072, 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.

Rulemaking 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, Amended 4-1-07, 3-30-08, \_\_\_\_\_.

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 31st ~~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, unless extended as provided in 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, unless extended as provided in 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.

Rulemaking 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 3-30-08, Amended.

#### 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.

Rulemaking 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, 3-30-08, \_\_\_\_\_.

#### 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.

Rulemaking 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-48.030, 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, 3-30-08, \_\_\_\_\_.

#### 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 ~~2009~~ ~~2008~~ Universal Application link labeled Related ~~References 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, 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 or Developer has satisfied any financial obligations for which the Applicant or Developer, 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) 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) 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 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. 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) 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) 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) 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) 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.

Rulemaking 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-48.031, 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, 3-30-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Deborah Dozier Blinderman, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Oellerich, Chairman of the Board, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 36, September 5, 2008

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-53.003	Compliance Procedures
67-53.0035	Florida Housing Finance Corporation
67-53.004	Right to Inspect and Monitor Elderly Housing Community Loan (EHCL) Funded Developments
67-53.006	Compliance and Monitoring Procedures for the Pre-Development Loan Program (PLP)
67-53.007	Compliance Procedures
67-53.008	Compliance and Reporting Requirements
67-53.009	Compliance and Reporting Requirements for State Apartment Incentive Loan (SAIL) Program, HOME Investment Partnerships (HOME) Rental Program, Multifamily Mortgage Revenue Bond (MMRB) Program, Housing Credit (HC) Program, Rental Recovery Loan Program (RRLP), and Elderly Housing Community Loan (EHCL) Program
67-53.010	Forms

PURPOSE AND EFFECT: The purpose of this Rule is to establish the compliance procedures by which Florida Housing or any duly authorized representative of Florida Housing shall be permitted at any reasonable time to inspect and monitor developments and tenant records and facilities.

SUMMARY: Florida Housing recognizes a need for technical revisions and to require developers to provide Florida Housing with audited statements and a cash flow form so Florida Housing can monitor the credit quality of the portfolio and to assist Florida Housing in making policy decisions as the markets dictate.

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.

RULEMAKING AUTHORITY: 420.507(12), 420.508(3)(a) FS.

LAW IMPLEMENTED: 420.507(4), (13), (14), 420.508, 420.509 FS.

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

DATE AND TIME: April 20, 2009, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 6000, Tallahassee, Florida 32301. The hearing will be accessible via phone at 1(888)808-6959, Conference Code #6884197

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 Cox, Director of Asset Management & Guarantee Program, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 6000, Tallahassee, Florida 32301-1329, (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: Laura Cox, Director of Asset Management & Guarantee Program, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 6000, Tallahassee, Florida 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-53.003 Compliance Procedures.

~~(1) Any duly authorized representative of Florida Housing shall be permitted at any reasonable time to inspect and monitor Development and tenant records and facilities. All tenant records shall be maintained by the owner of the Development within 50 miles of the Development site.~~

~~(2) Florida Housing or its representative shall conduct on-site Development inspections at least annually.~~

~~(3) Florida Housing must approve the selection or replacement of a management company prior to such company assuming responsibility for the Development, using the following criteria:~~

~~(a) Review of company information including key management personnel, management experience and procedures;~~

~~(b) Review of company forms such as application for apartment residence, income verification forms, lease, etc.;~~

~~(c) Key management company representative attendance at a Florida Housing compliance workshop; and~~

~~(d) A meeting between Florida Housing compliance staff and the key management company representative.~~

~~(4) Florida Housing shall document approval of the management company to the owner of the Development after successful completion of items (3)(a) (d).~~

~~(5) The owner of the Development shall maintain complete and accurate income records pertaining to each tenant occupying a Set Aside unit. Records for each occupied Set Aside unit shall contain the following documentation:~~

~~(a) The tenant's application containing the name or names of each household member, employment and income information for each household member, and other information required by the owner of the Development;~~

~~(b) An executed lease agreement listing the term of the tenancy and all of the tenants residing in the unit;~~

~~(c) Verification of the income of each tenant as is acceptable to prove income under section 8 of the U.S. Housing Act of 1937, which is adopted and incorporated herein by reference, as in effect on the date of this rule chapter;~~

~~(d) Information as to the assets owned by each tenant; and~~

~~(e) Income Certification Form TIC 1 for each tenant.~~

~~(6) The Applicant shall submit Program Reports, pursuant to the following:~~

~~The initial Program Report shall be submitted prior to the time of Loan closing if the Development is occupied, or by the 25th of the month following rental of the initial unit in the Development. Subsequent Program Reports shall be submitted each month and are due no later than the 25th of each month thereafter. The Program Reports shall be accompanied by the Recap of Tenant Income Certification Information, Form AR 1, and the certificate of continuing program compliance and copies of all Tenant Income Certifications executed since the last Program Report and shall be sent to Florida Housing, the Trustee and the monitoring agent.~~

~~(7) The Developer shall, at least monthly, submit to Florida Housing, the Trustee and the monitoring agent, a certificate of continuing program compliance stating the percentage of dwelling units that are:~~

~~(a) Occupied by Lower Income Residents.~~

~~(b) Being held vacant for occupancy by Lower Income Residents.~~

~~(c) Occupied by other persons.~~

~~(8) Florida Housing shall monitor compliance of all terms and conditions of the Loan and in the Land Use Restriction Agreement, which Land Use Restriction Agreement shall be recorded in the public records of the county wherein the Development is located. The Land Use Restriction Agreement shall be recorded first. Violation of any term or condition of the documents evidencing or securing the Loan shall constitute a default during the term of the Loan. Florida Housing shall take~~

~~legal action to effect compliance if a violation of any term or condition relative to the Set Aside of units for Lower Income Residents is discovered during the course of compliance monitoring or by any other means.~~

~~(9) Borrowers shall annually certify that the household gross income of each household occupying a unit set aside for Lower Income Residents meets income requirements specified in the Code. Should the annual recertification of such households result in noncompliance with income occupancy requirements, the next available unit must be rented to a qualifying household in order to ensure continuing compliance of the Development.~~

~~(10) The compliance monitoring for MMRB will begin following loan closing or, if the Development is occupied, prior to loan closing.~~

~~Rulemaking Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (13), (14), 420.508, 420.509 FS. History--New 1-7-98, Formerly 9I-21.016, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, Repromulgated 3-21-04, Formerly 67-21.016, Repealed \_\_\_\_\_.~~

67-53.0035 Florida Housing Finance Corporation.

For the purposes of this Rule Chapter, the "Corporation" means the Florida Housing Finance Corporation as defined in Section 420.503(10), F.S.

Rulemaking Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (13), (14), 420.508, 420.509 FS. History--New \_\_\_\_\_.

67-53.004 Right to Inspect and Monitor Elderly Housing Community Loan (EHCL) Funded Developments.

The Corporation Florida Housing or its agents shall have the right to inspect and monitor the records and facilities of all Elderly Housing Community Loan (EHCL), as established in Rule Chapter 67-32, F.A.C., funded dDevelopments. Inspections shall occur while the repairs or improvements are being made and may occur after completion of the repairs or improvements.

Rulemaking Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History--New 10-2-89, Formerly 9I-32.010, Amended 11-9-98,1-2-00, Repromulgated 12-31-00, Amended 3-17-02, Repromulgated 5-5-03, Formerly 67-32.010, Amended \_\_\_\_\_.

67-53.006 Compliance and Monitoring Procedures for the Pre-Development Loan Program (PLP).

(1) Units within the dDevelopment that are occupied at the time of the Pre-Development Loan Program ("PLP") Loan closing as defined in Rule Chapter 67-38, F.A.C., shall meet dDevelopment sSet-a-Aside requirements at that time.

(2) For new construction or rehabilitation of rental units not occupied at the time of PLP Loan closing, the Applicant shall notify the Corporation prior to the leasing of any units in the dDevelopment. The units shall be leased by income eligible tenants.

(3) For rental PLP dDevelopments which obtain subsequent construction or permanent financing from Corporation programs, the compliance and monitoring requirements of the program or programs under which funding is received shall apply.

(4) For rental PLP dDevelopments that obtain subsequent construction or permanent financing from sources other than Corporation programs and no Corporation funds remain in the dDevelopment:

(a) Any duly authorized representative of the Corporation shall be permitted at any reasonable time to inspect and monitor the records and facilities of the PLP dDevelopment for compliance with the following conditions:

1. For home ownership PLP dDevelopments: The Corporation and or its representative shall perform an initial review to determine home buyer eligibility and verify permanent residency.

2. For multifamily rental PLP dDevelopments: The Corporation or its representative shall monitor tenant records and facilities for compliance during the Compliance Period with the following conditions:

a. All tenant records shall be maintained by the Applicant within 50 miles of the PLP dDevelopment sSite.

b. The Corporation or its representative shall conduct on-site PLP dDevelopment inspections at least annually.

c. The Corporation must approve the Applicant's selection of a management company prior to the company assuming responsibility for the PLP dDevelopment based upon the following criteria:

(i) Review of the company information including key management personnel, management experience and procedures;

(ii) Review of company forms such as application for apartment residence, income verification forms, lease, etc.;

(iii) Key management company representative attendance at a Corporation compliance workshop; and

(iv) A meeting between Corporation compliance staff and the key management company representative after the compliance workshop.

(b) The Applicant or an authorized representative, if any, shall attend a compliance training workshop or meet with a representative from the Corporation or the monitoring agent for a compliance training conference prior to initial leasing of any units.

(c) The Applicant shall maintain complete and accurate income records pertaining to each tenant occupying a set-aside unit. Records for each occupied set-aside unit shall contain at least the following documentation:

1. The tenant's application which shall contain the name or names of each household member, employment and income information for each household member, and other information required by the Applicant;

2. A copy of the lease agreement listing the term of the tenancy and each tenant residing in the unit;

3. Verification of the income of each tenant as is acceptable to prove income under Section 8 of the U.S. Housing Act of 1937, as amended;

4. Information as to the assets owned by each tenant; and

5. Income Certification Form TIC-1 for each tenant. ~~Form TIC 1, which is hereby incorporated by reference, can be obtained from the Corporation.~~ For dDevelopments participating in Section 8 and RD Programs, the HUD Forms 50058 or 50059 or RD (or FmHA) Form 1944-8 may be used in lieu of Form TIC-1 as long as proper documentation is maintained in the tenant files.

(d) With respect to rental PLP dDevelopments, program reports shall be submitted as follows:

1. Initial program reports for rehabilitation/acquisition PLP dDevelopments with units occupied at the time of the execution of the Invitation to Participate shall be submitted at the time of execution of the Invitation to Participate.

2. Initial program reports shall be submitted for dDevelopments with no units occupied at the time of the closing of the PLP Loan within 10 days following the end of the calendar quarter during which the leasing of any unit within the PLP dDevelopment occurred.

3. Subsequent program reports shall be submitted each year during the cCompliance pPeriod and are due on the dates assigned by the Corporation according to an alphabetical breakdown by property.

(5) For homeownership PLP dDevelopments, the initial sale of all units shall be to income eligible purchasers.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.528 FS. History--New 1-16-96, Formerly 9I-38.0145, Amended 3-26-98, 7-17-00, 7-21-03, Formerly 67-38.0145, Amended.

67-53.007 Compliance Procedures.

~~(1) The Corporation or the servicer shall inspect and monitor the records and facilities all of the funded Projects. Such inspections may occur without notice at any reasonable time. The information shall be reported in the format and time specified in the Florida Housing Finance Corporation's Compliance Manual which can be requested from the Corporation's Compliance Supervisor. Failure to meet the requirements related to compliance shall constitute a default on the loan by the borrower.~~

~~(2) At a minimum, the units specified in the minimum set aside requirement must be held for very low income persons or households for a period of time equal to the longest of the following:~~

- (a) ~~The term of the SAIL/Hurricane Andrew Recovery and Rebuilding Program loan; or~~
- (b) ~~12 years; or~~
- (c) ~~Such longer term agreed to by the Applicant.~~

Rulemaking Specific Authority 420.507 FS. Law Implemented 420.5087 FS., Chapter 93-186, Laws of Florida. History--New 1-25-94, Formerly 9I-43.011, 67-43.011, Repealed.

67-53.008 Compliance and Reporting Requirements for State Apartment Incentive Loan (SAIL) Program, HOME Investment Partnerships (HOME) Rental Program, Multifamily Mortgage Revenue Bond (MMRB) Program, Housing Credit (HC) Program, Rental Recovery Loan Program (RRLP), and Elderly Housing Community Loan (EHCL) Program.

(1) The Corporation shall monitor compliance of all terms and conditions of the Loans and of regulatory agreements, which regulatory agreements shall be recorded in the public records of the county wherein the development is located. Violation of any term or condition of the documents evidencing or securing the Loans shall constitute a default during the term of the Loans. The Corporation shall take legal action to effect compliance if a violation of any term or condition relative to the set-aside of units for qualified households is discovered during the course of compliance monitoring or by any other means. Any duly authorized representative of the Corporation shall be permitted at any time during normal business hours to inspect and monitor the construction or rehabilitation of any a dDevelopment that has received funding from the Corporation. Any duly authorized representative of the Corporation or the Treasury shall be permitted at any time during normal business hours to inspect and monitor dDevelopment and resident records and facilities. All resident records shall be maintained by the owner of the dDevelopment within 50 miles of the dDevelopment site.

(2) On-site inspections for Housing Credit ("HC") dDevelopments, as defined in Rule Chapter 67-48, F.A.C.:

(a) An authorized representative of the Corporation will, at the Applicant's expense, conduct four on-site construction inspections during the construction or rehabilitation of a cCompetitive HC dDevelopment. Any required re-inspection due to a finding of non-compliance will be at the Applicant's expense.

(b) An authorized representative of the Corporation will, at the Applicant's expense, conduct a minimum of one on-site construction inspection of a nNon-cCompetitive HC dDevelopment which has not received any other Corporation Florida Housing financing. Any required re-inspection due to a finding of non-compliance will be at the Applicant's expense.

(3) For programs other than EHCL, tThe Corporation or its representative shall conduct a management review and physical inspection of each on-site dDevelopment inspections

at a minimum of every three years, with a typical frequency of annual reviews, to inspect and monitor development and resident records, units, and facilities.

(4) The Corporation must approve the selection or replacement of a management company prior to such company assuming responsibility for the dDevelopment, using the following criteria:

(a) through (d) No change.

(5) The Corporation will document approval of the management company to the owner of the dDevelopment after successful completion of items (4)(a)-(d).

(6) The owner of the dDevelopment shall maintain complete and accurate income records pertaining to each resident occupying a Low-Income or Very Low-Income unit. Records for each occupied Low-Income or Very Low-Income unit shall contain the following documentation:

(a) The resident's rental application containing the name or names of each household member, employment and income information for each household member, and other information required by the owner of the dDevelopment;

(b) through (d) No change.

(e) ~~Income Certification Form~~ TIC-1 for each resident.

(7) The Applicant shall submit Program Reports pursuant to the following:

(a) For those developments receiving competitive HC, tThe initial HC PR-1 Program Report shall be prepared as of the last day of the calendar month during which execution of the Carryover (as defined in Rule Chapter 67-48, F.A.C.) allocation agreement occurred, if the development is occupied; or the rental of the initial unit in the development occurred, whichever is later submitted upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, but no later than 120 days following the leasing of any unit. For those developments receiving an allocation of non-competitive HC without any Corporation-issued loans, the initial HC PR-1 shall be prepared as of the last day of the calendar month during which final housing credit allocation occurred. Subsequent PR-1's Program Reports shall be prepared as of the last day of the calendar month submitted each year of the Housing Credit Compliance Period and shall be PR-1's are due no later than the 15th of each month throughout the regulatory period. Annually on dates assigned by the Corporation, tThe monitoring agent's copy of each PR-1 Program Reports shall be accompanied by copies of TIC-1 Tenant Income Certifications copies for ten (10) percent of the executed TIC-1's that were effective during the reporting year month since the last Program Report for at least 10% of the Housing Credit Set Aside units in the Development (to be sent to the monitoring agent only); and The the AOC-1 Annual Owner Compliance Certification Form shall, to be signed by the owner of the HC dDevelopment; certifying that for the preceding 12 month period the HC dDevelopment met its



Housing Credit ~~Set-Aside~~ requirements (to be sent to the Corporation only). Forms PR-1 and AOC-1 shall be provided by the Corporation and shall be submitted for all HC dDevelopments receiving Housing Credit Allocations since January 1, 1990~~87~~.

(b) The failure of the initial or any subsequent HC Program Reports to confirm compliance as required in paragraph (a) above, shall, upon written notice of such failure from the Corporation Florida Housing or its agent to the Applicant, require correction of the failure within 90 days of such written notice. This shall be deemed the "correction period." During the correction period:

1. An Applicant may request a 60-day extension of the correction period by submitting a written request to the Corporation's Compliance Monitoring Department Administrator. Such written request must be rReceived by the Corporation's Compliance Monitoring Department Administrator at least 7 days prior to the expiration of the correction period.

2. The Corporation Florida Housing shall consider the nature of the failure of compliance and the Applicant's past compliance history in determining whether to grant a 60-day extension of the correction period. The HC dDevelopment shall not be deemed non-compliant prior to the expiration of the correction period, unless otherwise required by 26 CFR 1.42-5. If the failure to comply is not, however, corrected within the correction period, or any extension of the correction period, such HC dDevelopment shall then be deemed to be in non-compliance and be reported to the Board.

~~(8)(e) If the Development is occupied at loan closing, For HOME Investment Partnerships ("HOME") Rental Program, as defined in Rule Chapter 67-48, F.A.C., the The initial HOME PR-1 Program Report shall be prepared as of the last day of the calendar month during which the submitted prior to the pre-loan closing review and an updated Program Report shall be submitted as of the date of loan closing occurred, or if the development is not occupied at loan closing, or the rental of the initial upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, but no later than 120 days following the leasing of any unit in the development occurred, whichever is later. Subsequent HOME PR-1's shall be prepared as of the last day of each calendar month. HOME PR-1's are due no later than the 15th of each month throughout the regulatory period. Annually, on dates assigned by the Corporation, the monitoring agent's copy of each PR-1 shall be accompanied by TIC-1 copies for ten (10) percent of the executed TIC-1's that were effective during the reporting year. HOME PR-1's HOME Program Reports shall confirm compliance as follows:~~

~~(a)1. If the dDevelopment is not occupied at loan closing, the initial HOME PR-1 Program Report and all subsequent HOME PR-1 Program Report shall confirm compliance with the set-aside requirements and other dDevelopment requirements, if any, as set forth in the LURA.~~

~~(b)2. If the dDevelopment is occupied at loan closing, compliance with the set-aside requirements and other dDevelopment requirements, if any, as set forth in the LURA, shall be confirmed by the first HOME PR-1 Program Report submitted 12 months following the expiration of the last then-existing tenant lease, without regard to any extension of the term of any then-existing tenant lease. The calculation of the above 12-month period shall begin with the date of the HOME loan closing.~~

~~3. Subsequent Program Reports shall be submitted each year of the period of affordability and the Compliance Period and shall be due no later than the dates assigned by the Corporation. All subsequent HOME Program Reports shall confirm compliance with the set aside requirements and other Development requirements, if any, as set forth in the LURA.~~

~~4. The Program Reports shall be accompanied by copies of Tenant Income Certifications executed since the last Program Report for at least 10% of the HOME Assisted Units in the Development (to be sent to the monitoring agent only).~~

~~(c)5. The failure of the initial or any subsequent HOME PR-1 Program Report to confirm compliance as required in this subsection, shall, upon written notice of such failure from the Corporation Florida Housing or its agent to the borrower, require correction of the failure within 90 days of such written notice. This shall be deemed the "correction period." During the correction period:~~

~~1.a. A borrower may request a 60-day extension of the correction period by submitting a written request to the Corporation's Compliance Monitoring Department Administrator. Such written request must be rReceived by the Corporation's Compliance Monitoring Department Administrator at least 7 days prior to the expiration of the correction period.~~

~~2.b. The Corporation Florida Housing shall consider the nature of the failure of compliance and the borrower's past compliance history in determining whether to grant a 60-day extension of the correction period. The dDevelopment shall not be deemed non-compliant prior to the expiration of the correction period. If the failure to comply is not, however, corrected within the correction period, or any extension of the correction period, such dDevelopment shall then be deemed to be in non-compliance and be reported to the Board.~~

~~(9)(d) For State Apartment Incentive Loan ("SAIL") Program ~~if the dDevelopments, as defined in Rule Chapter 67-48, F.A.C. and Rental Recovery Loan Program ("RRLP") as established in Rules 67ER06-13 through 67ER06-24 and 67ER06-25 through 67ER06-41, is not occupied at loan closing, the initial SAIL or RRLP PR-1 Program Report shall~~~~

be prepared as of the last day of the calendar month during which loan closing occurred, 15th of the month after the first unit is occupied and submitted by the 25th of that month. If the SAIL or RRLP dDevelopment is occupied; or the rental of the initial unit occurred, whichever is later at the time of loan closing, the initial SAIL Program Report shall be submitted prior to the time of the pre loan closing review and an updated Program Report shall be submitted as of the date of the loan closing. Subsequent SAIL or RRLP PR-1's shall be prepared as of the last day of each calendar month. SAIL or RRLP PR-1's are due no later than the 15th of each month throughout the regulatory period. Annually, on dates assigned by the Corporation, the monitoring agent's copy of each SAIL or RRLP PR-1 shall be accompanied by TIC-1 copies for ten (10) percent of the executed TIC-1's that were effective during the reporting year. SAIL or RRLP PR-1's Program Report shall confirm compliance as follows:

(a)1. If the dDevelopment is not occupied at loan closing, the initial SAIL or RRLP PR-1 Program Report and all subsequent SAIL or RRLP PR-1 Program Reports shall confirm compliance with the set-aside requirements and other SAIL dDevelopment requirements, if any, as set forth in the regulatory agreement LURA.

(b)2. If the SAIL or RRLP dDevelopment is occupied at the time of loan closing, compliance with the set-aside requirements and other SAIL or RRLP dDevelopment requirements, if any, as set forth in the regulatory agreement LURA, shall be confirmed by the first SAIL or RRLP PR-1 Program Report submitted 12 months following the expiration of the last then-existing tenant lease, without regard to any extension of the term of any then-existing tenant leases. The calculation of the above 12-month period shall begin with the date of the loan closing.

3. Subsequent Program Reports shall be prepared as of the 15th of each month and are due no later than the 25th of each month thereafter. All subsequent SAIL Program Reports shall confirm compliance with the set-aside requirements and other Development requirements, if any, as set forth in the LURA.

4. The Program Reports shall be accompanied by copies of all Tenant Income Certifications executed since the last Program Report for at least 10% of the Development's SAIL set-aside units (to be sent to the monitoring agent).

(c)5. The failure of the initial or any subsequent SAIL or RRLP PR-1's Program Reports to confirm compliance as required in this subsection, shall, upon written notice of such failure from the Corporation Florida Housing or its agent to the borrower, require correction of the failure within 90 days of such written notice. This shall be deemed the "correction period." During the correction period:

1.a. A borrower may request a 60-day extension of the correction period by submitting a written request to the Corporation's Compliance Monitoring Department Administrator. Such written request must be rReceived by the

Corporation's Compliance Monitoring Department Administrator at least 7 days prior to the expiration of the correction period.

2.b. The Corporation Florida Housing shall consider the nature of the failure of compliance and the borrower's past compliance history in determining whether to grant a 60-day extension of the correction period. The SAIL or RRLP dDevelopment shall not be deemed non-compliant prior to the expiration of the correction period. If the failure to comply is not, however, corrected within the correction period, or any extension of the correction period, such SAIL or RRLP dDevelopment shall then be deemed to be in non-compliance and be reported to the Board.

(10) For those developments receiving Multifamily Mortgage Revenue Bond Program ("MMRB"), as defined in Rule Chapter 67-21, F.A.C., funds from the Corporation, the initial MMRB PR-1 shall be prepared as of the last day of the calendar month during which bond closing occurred, if the MMRB development is occupied; or rental of the initial unit in the development occurred, whichever is later. Subsequent MMRB PR-1's shall be prepared as of the last day of each calendar month. MMRB PR-1's are due no later than the 15th of each month throughout the regulatory period. The monitoring agent's and Trustee's copy of each MMRB PR-1 shall be accompanied by the certificate of continuing program compliance. Annually, on dates assigned by Corporation, the monitoring agent's and Trustee's copy of the MMRB PR-1 shall be accompanied by TIC-1 copies for ten (10) percent of the executed TIC's that were effective during the reporting year.

(a) The failure of the initial or any subsequent MMRB PR-1 to confirm compliance as required in this subsection, shall, upon written notice of such failure from the Corporation or its agent to the borrower, require correction of the failure within 90 days of such written notice. This shall be deemed the "correction period." During the correction period:

(b) A borrower may request a 60-day extension of the correction period by submitting a written request to the Corporation's Compliance Monitoring Administrator. Such written request must be received by the Compliance Monitoring Administrator at least 7 days prior to the expiration of the correction period.

(c) The Corporation shall consider the nature of the failure of compliance and the borrower's past compliance history in determining whether to grant a 60-day extension of the correction period. The development shall not be deemed non-compliant prior to the expiration of the correction period. If the failure to comply is not, however, corrected within the correction period, or any extension of the correction period, such development shall then be deemed to be in non-compliance and be reported to the Board.

(11)(8) ~~HC d~~Developments shall ~~will~~ submit copies of each building's completed IRS Low-Income Housing Credit Allocation Certification Form 8609, Rev. ~~12-2008~~ ~~1-2000~~, Part II – First-Year Certification, and ~~Schedule A~~, Annual Statement for Low-Income Housing Credit, Form 8609-A, Rev. ~~12-2008~~ ~~1-2000~~, for the first year housing credits are claimed to the Compliance Section of Florida Housing Finance Corporation. These forms are adopted and incorporated herein by reference and are due at the same time they are filed with the Internal Revenue Service. Form 8609 and ~~Schedule A~~ (Form 8609-A) can be obtained from the Internal Revenue Service by calling 1(800)829-4477. Additionally, correspondence shall accompany these forms which indicates the first taxable year in which the Housing Credits were claimed, ~~and~~ the fiscal operating year for the property, and for each building that is (or will be) part of a multiple building project attach a statement containing the name and address of the project and each building in the project.

(12)(9) Compliance monitoring for each program will begin:

(a) For the SAIL Program, regardless of whether the ~~d~~Development also received an HC allocation, following the SAIL loan closing or, if the ~~d~~Development is occupied, prior to the SAIL loan closing.

(b) For the HOME Program, regardless of whether the ~~d~~Development also received an HC allocation, following the HOME loan closing or, if the ~~d~~Development is occupied, prior to the HOME loan closing.

(c) For ~~d~~Developments receiving an allocation of non-competitive HC without any ~~Corporation~~ FHFC-issued loans, following ~~f~~Final ~~h~~Housing ~~c~~Credit ~~a~~Allocation.

(d) For ~~d~~Developments receiving ~~c~~Competitive HC without any ~~Corporation~~ FHFC-issued loans, following execution of the Carryover ~~a~~Allocation ~~a~~Agreement.

(e) For MMRB, regardless of whether the developments also received an HC allocation, following the bond closing or, if the development is occupied, prior to the bond closing.

#### (13)(10) Household Income Certification

(a) SAIL, MMRB, RRLP and HC ~~loan~~ ~~a~~Applicants shall ~~initially~~ ~~annually~~ certify that the household gross income, adjusted for family size, of each household occupying a unit set aside for Low-Income, Very Low-Income or Extremely Low-Income persons or households meets income requirements specified in Section 142(d)(3)(B) of the Internal Revenue Code, which is adopted and incorporated herein by reference. Copies may be obtained by contacting the Corporation's Compliance Monitoring Administrator. The determination of whether the income of a household occupying a unit in a development exceeds the applicable income limit shall be made at least annually on the basis of the current income of the household, except for any year if during such year no residential unit in the development is occupied by a new household whose income exceeds the applicable income

limit. A development which certifies 100% of its units as low-income shall perform one annual income recertification effective upon the first anniversary of any household's move-in or initial certification. No additional income recertification shall be required by the Corporation. However, annual determination of student status shall be required for households comprised entirely of students. Should the annual income recertification of such households result in noncompliance with income occupancy requirements, the next available unit must be rented to a household qualifying household under the provisions of Section 420.5087(2), F.S., in order to ensure continuing compliance of the dDevelopment.

(b) HOME applicants shall initially certify that the household gross income, adjusted for family size, of each household occupying a unit set aside for Low-Income, Very Low-Income or Extremely Low-Income persons or households meets income requirements specified in the Code of Federal Regulations, Title 24, Section 92.203, which is adopted and incorporated herein by reference. Copies may be obtained by contacting the Corporation's Compliance Monitoring Administrator. The determination of whether the income of a household occupying a unit in a development exceeds the applicable income limit shall be made at least annually on the basis of the current income of the household, except for any year if during such year no residential unit in the development is occupied by a new household whose income exceeds the applicable income limit. A development which certifies 100% of its units as low-income shall perform one annual income recertification effective upon the first anniversary of any household's move-in or initial certification. Additional income recertification shall be performed as specified in the Code of Federal Regulations, Title 24, Section 92.252, which is adopted and incorporated herein by reference. Copies may be obtained by contacting the Corporation's Compliance Monitoring Administrator.

~~(11) The Corporation shall approve the SAIL loan Applicant's selection of a management company prior to such company assuming responsibility for the Development. The SAIL loan Applicant, its designated representative, or the managing agent of the Development must attend a Corporation sponsored training workshop on certification and compliance procedures prior to the leasing of any units in the Development.~~

(14) Any Applicant obtaining funding from SAIL, RRLP, or supplemental loan, as established in Rule Chapter 67-48, F.A.C. ("Group 1 Applicants"), shall provide the Corporation with an audited financial statement and a fully completed and executed Financial Reporting Form (SR-1), Rev. 02/09, ("Form SR-1") annually by its submission deadline to the Corporation's servicer. The submission deadline for Group 1 Applicants is May 31st of each year. A late fee of \$500 will be assessed by the Corporation to any Group 1 Applicant for failure to submit these documents by the submission deadline

of each year. Group 1 Applicants shall complete all Parts (Parts 1-5) of Form SR-1 prior to its submission to the Corporation's servicer.

(15) Any Applicant obtaining funding from HOME, MMRB, HC or EHCL ("Group 2 Applicants") shall provide the Corporation with an audited financial statement and a fully completed and executed Form SR-1 annually by its submission deadline. The submission deadline for Group 2 Applicants is 120 days following their fiscal year end and shall be submitted to [financial.reporting@floridahousing.org](mailto:financial.reporting@floridahousing.org). A late fee of \$250 will be assessed by the Corporation to any Group 2 Applicant for failure to submit these documents by the submission deadline of each year. Group 2 Applicants shall complete only Parts 1, 2, and 5 of Form SR-1 prior to its submission.

(16) The initial submission of the audited financial statement and a fully completed and executed Form SR-1 will be due for all Applicants following the fiscal year which the first unit is occupied. For both Group 1 and Group 2 Applicants, the Submission Documents shall include the Form SR-1 in its electronic form as a Microsoft Excel spreadsheet. The audited financial statements are to be prepared in accordance with accounting principles generally accepted in the United States of America and audited in accordance with auditing standards generally accepted in the United States of America for the twelve (12) months ended December 31st and shall include:

(a) Comparative Balance Sheet with prior year and current year balances;

(b) Statement of revenue and expenses;

(c) Statement of changes in fund balances or equity;

(d) Statement of cash flows; and

(b) Notes.

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 monthly statements with respect to the development.

Rulemaking Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.5099 FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.006, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, Formerly 67-48.00, Amended 1-17-05,\_\_\_\_\_.

67-53.009 Compliance and Monitoring for Homeownership Assistance Program (HAP) and Homeownership Programs.

For those developments who received funding from the Corporation's Homeownership Assistance Program ("HAP"), as established by Rule Chapter 67-45, F.A.C., and Homeownership Programs, as established by Rule Chapter 67-50, F.A.C.:

(1) The Servicer shall inspect and monitor the development's construction site and records, as necessary, with inspections occurring during regular business hours.

(2) The Servicer shall monitor the sale of houses and determine homebuyer eligibility at initial purchase. Failure to comply with the agreed upon set-aside requirements shall result in a retroactive interest rate adjustment from the HAP or HOME Construction Loan interest rate to the current market rate.

Rulemaking Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History--New 9-5-02, Formerly 67-50.100, Amended\_\_\_\_\_.

67-53.010 Forms.

The following forms are hereby incorporated by reference. Copies are available on the Corporation's Website at <http://www.floridahousing.org/Home/PropertyOwnersManagers/Forms> or may be obtained by contacting the Compliance Department, Florida Housing Finance Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329:

AOC-1 – Annual Owner Compliance Certification Form

PR-1 – Program Report

TIC-1 – Tenant Income Certification

HUD Forms 50058 or 50059 or RD (or FmHA) Form 1944-8

Form SR-1 – Financial Reporting Form may be obtained from the Credit Underwriter acting as the assigned servicer or on the Corporation's Website at <http://www.floridahousing.org/Home/PropertyOwnersManagers/Forms>.

Rulemaking Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.509, 420.5099, 420.524, 420.9072 FS. History--New 1-17-05, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Laura Cox, Director of Asset Management & Guarantee Program, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 6000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Oellerich, Chairman of the Board, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 35, No. 5, February 6, 2009

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.:	RULE TITLES:
69A-53.0052	Fire Sprinkler Requirements for Nursing Homes
69A-53.0053	State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program: Application Procedures

**PURPOSE AND EFFECT:** To extend the deadline for submission of an application for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program from June 30, 2006 to July 1, 2009.

**SUMMARY:** Section 633.022, F.S., requires each nursing home licensed under part II of Chapter 400, F.S., to be protected throughout by an approved supervised automatic sprinkler system no later than December 31, 2010. This date represents an extension from the previous date of December 31, 2008. The Chapter directs the Department to provide assistance to nursing homes through the State Fire Marshal Fire Protection Loan Guarantee Program. The deadline for submission of an application to participate in the loan guarantee program was also extended by statute to July 1, 2009. The rule amendment makes the rule consistent with the amended statutes.

**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.

**RULEMAKING AUTHORITY:** 633.01(1), 633.022(1), 633.0245(11) FS.

**LAW IMPLEMENTED:** 633.022, 633.022(4), 633.024, 633.0245 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:** April 20, 2009, 10:00 a.m.

**PLACE:** Third Floor Conference Room, The Atrium Building, 325 John Knox Road, 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: Arlan Davis, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, Tallahassee, Florida; (850)413-3688. 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: Arlan Davis, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, Tallahassee, Florida (850)413-3688

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-53.0052 Fire Sprinkler Requirements for Nursing Homes.

(1) Section 633.022(4), F.S., requires that nursing homes licensed under Part II of Chapter 400, F.S., be protected throughout by an approved supervised automatic sprinkler system in accordance with Chapter Nine (9) of the Florida Edition of NFPA 101, the Life Safety Code adopted in Rule 69A-3.012, F.A.C., no later than December 31, 2010, pursuant to the following schedule:

~~(a) Each hazardous area of each nursing home shall be protected by an approved supervised automatic fire sprinkler system by no later than December 31, 2008.~~

~~(b) Each nursing home, in its entirety, shall be protected by an approved supervised automatic fire sprinkler system by no later than December 31, 2010.~~

(2) The Division may grant a maximum of two one-year extensions to the final date of compliance ~~with paragraphs (1)(a) and (b) above, for the hazardous area portion of the retrofitting project,~~ only after establishing that the nursing home has been prevented from complying for reasons beyond its control. Such reasons may include:

(a) through (c) No change.

(3) A request for extension under subsection (2) must:

(a) Be received by the Division prior to the expiration of the deadline ~~in question,~~

(b) through (c) No change.

~~Rulemaking Specific~~ Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022 FS. History–New 2-18-07, Amended

69A-53.0053 State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program: Application Procedures.

(1) No change.

(2) All properly completed applications, which must include acceptable documentation for the conceptual design, for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program must be received by the State Fire Marshal on or before July 1, 2009 ~~June 30, 2006.~~

(3) through (9) No change.

~~Rulemaking Specific~~ Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History–New 2-18-07, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jim Goodloe, Chief, Bureau of Fire Prevention, Division of  
 State Fire Marshal, Department of Financial Services  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Alex Sink, Chief Financial Officer, State  
 of Florida Department of Financial Services  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: December 1, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: December 31, 2008, February 27, 2009

**DEPARTMENT OF FINANCIAL SERVICES**  
**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.: 69K-5.0125  
 RULE TITLE: Minimum Records to be Maintained  
 by Burial Rights Brokers;  
 Inspection of Records

PURPOSE AND EFFECT: Section 497.281(3), F.S., requires  
 the Department to establish by rule the minimum records to be  
 maintained by brokers of burial rights. Section 497.281(3),  
 F.S., states that the purpose of maintaining such records is to  
 prevent “confusion and error by the licensee or by the  
 cemeteries in which the burial rights are located as to the status  
 as sold or unsold, and as to the identity of the owner, of the  
 burial rights and related interment spaces in the cemetery.”  
 Section 497.281(4), F.S., authorizes the Department by rule to  
 require inspections of the records of brokers of burial rights.

SUMMARY: The proposed rule specifies the minimum records  
 to be maintained by burial rights brokers and provides for the  
 inspection of such records by the Department.

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.

RULEMAKING AUTHORITY: 497.103(5)(b), 497.281 FS.

LAW IMPLEMENTED: 497.103(2)(a), 497.281 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: April 20, 2009, 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: Doug Shropshire, (850)413-3039 or  
 doug.shropshire@myfloridacfo.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: Doug Shropshire, Director, Division of  
 Funeral, Cemetery, and Consumer Services, Alexander  
 Building, 2020 Capital Circle S.E., Tallahassee, Florida  
 32399-0361, (850)413-3039 or doug.shropshire@  
 myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-5.0125 Minimum Records to be Maintained by  
 Burial Rights Brokers: Inspection of Records.

(1) Definitions. As used in this rule, the following  
 definitions apply:

(a) “Person” includes natural persons, corporations,  
 limited liability companies, trusts, and partnerships.

(b) “Department” refers to the Florida Department of  
 Financial Services.

(2) A Person involved in the sale or transfer of burial  
 rights under Section 497.281, F.S., shall maintain the following  
 records for each sale or transfer of a burial right:

(a) The name, address, and phone number of the person  
 selling or transferring the burial right.

(b) The name, address, and phone number of the person  
 acquiring the burial rights.

(c) The date of the sale or transfer.

(d) The price paid or to be paid for the sale or transfer of  
 the burial rights.

(e) The total amount of compensation paid to the burial  
 rights broker for the sale or transfer, with identification of who  
 has paid the burial rights broker; that is, the acquirer, the seller,  
 or other (named) person.

(f) The name and address of the cemetery where the burial  
 space is located.

(g) A record identifying the type of burial rights: an  
 in-ground interment space, a mausoleum, a columbarium, an  
 ossuary, or a scattering garden.

(h) A record providing detailed identification of the  
 specific location in the cemetery of the burial space, using  
 location identification nomenclature in current use by the  
 cemetery where the burial right is located.

1. Regarding in-ground interment spaces, such detailed  
 identification shall include the name of the garden, lot, plot,  
 and space number of the space.

2. Regarding interment spaces in a mausoleum or  
 columbarium, such detailed identification shall include the  
 unique name or number of the mausoleum or columbarium  
 building or structure, and the location of the crypt or niche  
 within that building or structure.

(i) A list of any merchandise or services that were sold or transferred with the burial rights, if any, including identification of any preneed contract that was transferred or sold.

(j) If the cemetery where the burial space is located requires a burial right transfer form, documentation that such a form has been filed, by whom, and on what date.

(k) If the cemetery where the burial space is located requires payment of a burial rights transfer fee, documentation that the burial rights transfer fee has been paid, by whom, and on what date.

(l) A copy of any written or printed agreement or agreements relating to the sale or transfer of the burial right.

(m) Copies of all correspondence to or from the burial rights broker regarding the sale or transfer of the burial right.

(n) The complaint log and related records required under Section 497.151, F.S.

(3)(a) The records required to be maintained by this rule shall be maintained at the burial rights broker's address identified on the most recent licensure application or renewal form under Section 497.281, F.S. The records shall be maintained in written or in electronic form. If the records are maintained in electronic form, the burial rights broker shall at all times have available at the same place where the records are maintained, all equipment and software needed to allow the immediate viewing of such records upon request by the Department's inspector.

(b) When a Person licensed under the provisions of Chapter 497, F.S., other than Section 497.281, F.S., engages in activity as a burial rights broker under Section 497.281, F.S., such Person shall maintain the records required by subsection (2) of this rule, at such Person's primary place of business in Florida.

(4) Records required to be maintained under this rule shall be kept until the later of the following dates:

(a) Five years after the date a final interment has occurred using the burial rights that were the subject of the sale or transfer;

(b) Twelve months after the most recent inspection of the records by the Department under this rule.

(5) The Department of Financial Services shall inspect the records of each burial rights broker at least once every two years.

Rulemaking Authority 497.103(5)(b), 497.281 FS. Law Implemented 497.103(2)(a), 497.281 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE NOS.:	RULE TITLES:
1A-31.0015	Definitions
1A-31.0042	Diving on Historic Shipwreck Sites
1A-31.0045	Non-permittable Areas and Sites
1A-31.0052	Security
1A-31.0062	Types of Permit
1A-31.0082	Duration of Permit
1A-31.0092	Permit Area
1A-31.011	Boats to Carry Identification
1A-31.020	Inspection by Permitting Agency
1A-31.030	Project Archaeologist Qualifications
1A-31.036	Project Archaeologist Responsibilities
1A-31.040	Application Procedures
1A-31.046	Applicatin Review
1A-31.050	Permit Issuance
1A-31.055	Notice of Approval or Denial
1A-31.060	Requirements for All Permits
1A-31.065	Additional Requirements for Exploration Permits
1A-31.085	Permit Suspension and Revocation
1A-31.090	Transfer of Archaeological Materials, Title to Archaeological Materials Conveyed

**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. 34, No. 39, September 26, 2008 issue of the Florida Administrative Weekly.

These changes respond to comments from interested parties and to suggestions made during public hearing held on October 21, 2008.

**PROCEDURES FOR CONDUCTING EXPLORATION AND RECOVERY OF HISTORIC SHIPWRECK SITES**

1A-31.0015 Definitions.

(1) through (5) No change.

(6) "Historic Shipwreck Site" means the remains of a sunken or abandoned ship or other watercraft on or below the seabed including but not limited to ships' structure and rigging, hardware, tools, utensils, cargo, personal items of crew and

passengers, and treasure trove, which is generally at least fifty years old. ~~“Exploration agreement” means a contractual agreement between any person and the division that authorizes the conduct of certain exploration activities for archaeological materials on state owned sovereignty submerged lands, imposes conditions on the conduct of those activities and does not create any interest in real property or in any state owned sovereignty submerged lands.~~

(7) “Historical resource” means a building, structure, site, object or collection thereof (a prehistoric or historic district) which is generally at least fifty years old and of historical, architectural, or archaeological value. ~~“Person” means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or governmental entity or officer.~~

(8) through (11) No change.

1A-31.0042 Diving on Historic Shipwreck Sites Exempted Areas and Sites.

(1) Diving on historic shipwreck sites in Florida waters does not require a permit.

(2) This chapter does not apply to:

(a) Any abandoned shipwreck in or on the public lands of the United States or in or on Indian lands as set forth in the Abandoned Shipwreck Act of 1987, 43 U.S.C. sec. 2105(d), herein incorporated by reference;

(b) Any vessel for which a federal admiralty court has awarded title as against the State of Florida prior to April 28, 1988, the effective date of the Abandoned Shipwreck Act of 1987 (herein incorporated by reference), while such title remains valid; or

(c) ~~Vessels entitled to sovereign immunity under federal law or international law, treaty, or agreement, including without limitation, United States or foreign military vessels as defined in the Sunken Military Craft Act (Public Law Number 108-375, Div. A, Title XIV, Sections 1401-1408, Oct. 28, 2004, 118 Stat. 2094), herein incorporated by reference.~~

1A-31.0045 Non-permittable Excluded Areas and Sites.

The division will not issue permits for the following areas and sites:

(1) Any abandoned shipwreck in or on the public lands of the United States or in or on Indian lands as set forth in the Abandoned Shipwreck Act of 1987, 43 U.S.C. sec. 2105(d), herein incorporated by reference; The following categories of state owned sovereignty submerged lands are not eligible for permits under this chapter:

(2) Any vessel for which a federal admiralty court has awarded title as against the State of Florida prior to April 28, 1988, the effective date of the Abandoned Shipwreck Act of 1987 (herein incorporated by reference), while such title remains valid;

(3) Vessels owned or operated by a government on military non-commercial service when they sank, which are entitled to sovereign immunity under federal law or international law, treaty, or agreement, including without limitation, United States or foreign military vessels, and as defined in the Sunken Military Craft Act (Public Law Number 108-375, Div. A, Title XIV, Sections 1401-1408, Oct. 28, 2004, 118 Stat. 2094), herein incorporated by reference;

~~(a) Inland fresh and brackish waters;~~

~~(4)(b)~~ Areas of federal jurisdiction including but not limited to areas of the National Park System, National Marine Sanctuaries, National Wildlife Refuges, National Estuarine Research Reserves and US Military Reservations;

(5) Areas of the Florida Keys National Marine Sanctuary;

~~(6)(c)~~ Areas of state jurisdiction such as including but not limited to State Parks, State Aquatic Preserves, Coastal and Aquatic Managed Areas, State Archaeological Landmarks, State Archaeological Landmark Zones, Underwater Archaeological Preserves, Underwater Archaeological Research Reserves; ~~and~~

~~(d) Areas of legally defined and authorized local jurisdiction including but not limited to such uses as public recreation, resource conservation and resource management.~~

~~(7)(e)~~ Areas of submerged lands conveyed to public or private entities;

~~(2) The following categories of shipwrecks are not eligible for permits under this chapter:~~

~~(8)(a)~~ Vessels that are or have been under the jurisdiction of a federal admiralty court, when such jurisdiction was established prior to April 28, 1988, the effective date of the Abandoned Shipwreck Act of 1987, except where the applicant provides proof that the federal court’s jurisdiction and any rights it may have awarded are permanently terminated; and

~~(9)(b)~~ Historic shipwreck sites that are of such singular historical or archaeological significance that permitted activities would be incompatible with the division’s responsibility to administer state-owned and state-controlled historic resources in a spirit of stewardship and trusteeship and to preserve archaeological sites and objects of antiquity for the public benefit. Significance shall be measured against the criteria established for National Historic Landmark designation, per 36 C.F.R. sec. 65.4 “National Historic Landmark criteria,” herein incorporated by reference.

Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1), 267.11 FS. History–New\_\_\_\_\_.

1A-31.0052 Security.

(1) The division and the permittee will cooperate to protect the permit area if state-owned historic resources are at risk.

(2) The permittee is responsible for protecting all archaeological materials they have recovered from the permit area.



~~The permittee is responsible for securing the permit area including any historic resources within or recovered from the permit area. When the division determines that state-owned historic resources are at risk, the division may require that the permittee institute specific security measures. The division may assist in securing the permit area and historic resources, to protect the public interest.~~

~~Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1)(b), 267.14 FS. History--New \_\_\_\_\_.~~

1A-31.0062 Types of Permit.

(1) The division may issue two types of permits:

(a) An exploration permit allows the permittee to collect remote sensing and visual information on potential historic shipwreck sites without excavation or bottom disturbance. The exploration permit may be modified in writing at a later stage to allow such limited disturbance and excavation for purposes of attempting to determine ~~determining~~ the presence or absence and the nature of potential historic shipwreck sites. The number, location, extent and type of such test excavations shall be specified in the permit modification.

(b) A recovery permit may be issued only after the existence and nature of a historic shipwreck site has been documented by exploration permit activities and mutually agreed upon ~~confirmed~~ by the division and the permittee. A recovery permit allows the permittee to conduct more extensive excavations and recover archaeological materials, and allows for the transfer of title to the permittee of objects recovered, per Rule 1A-31.090, F.A.C. The number, location, extent and type of such excavation and recovery operations shall be specified in the permit.

(2) The division shall not issue multiple permits for any active permit area or historic shipwreck site that is within an active permit area, ~~including its buffer area.~~

~~Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.061(1) FS. History--New \_\_\_\_\_.~~

1A-31.0082 Duration of Permit.

A permit shall have a term of three one years.

~~Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History--New \_\_\_\_\_.~~

1A-31.0092 Permit Area.

(1) The maximum size of an exploration permit area is three one square statute miles.

(2) The ~~maximum~~ size of a recovery permit area is limited to the size required to encompass the archaeological remains from which recovery is permitted.

(3) Permit areas shall be separated by a buffer zone of 100 ~~500~~ yards width from:

- ~~(a) Other permit areas;~~
- ~~(b) Recognized admiralty arrest areas;~~
- ~~(c) Established navigation channels;~~

~~(d) Exempted areas and sites as defined in this chapter; and~~

~~(e) Excluded areas and sites as defined in this chapter.~~

~~Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History--New \_\_\_\_\_.~~

1A-31.011 Boats to Carry Identification.

~~Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.061(3)(i), (k) FS. History--New 5-7-68, Amended 1-1-75, 9-6-78, Formerly 1A-31.11, Amended 4-13-87, Repealed \_\_\_\_\_.~~

1A-31.020 Inspection by Permitting Agency.

Prior to or after issuance of any permit, the division may, without notice, inspect the permit area to perform any or all of the following:

(1) through (2) No change.

~~(3) Determine the state of the submerged lands as a baseline for cleanup and restoration;~~

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

~~(5)(6) Make a determination of compliance with Chapter 267, Florida Statutes, the terms of the permit, and the conditions specified in this rule, and all other applicable laws and rules;~~

~~(7) Determine the status of historical resources and submerged lands in order to require protection or restoration of such resources.~~

~~Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History--New \_\_\_\_\_.~~

1A-31.030 Project Archaeologist Qualifications.

Any permit issued under this rule shall require the participation of a professional underwater archaeologist who shall serve as the project archaeologist. The project archaeologist must meet, at a minimum, the Secretary of Interior's Standards for Professional Qualifications, as set forth in Federal Register Vol. 48, No. 190, p. 44739, or subsequent official version, herein incorporated by reference, and the following minimum qualifications of training, knowledge, experience and skills with an emphasis on underwater sites, water-saturated archaeological materials, and preservation methods, as evidenced by the project archaeologist's resume submitted with the permit application:

(1) At least 12 ~~24~~ weeks of supervised underwater archaeological fieldwork and 10 ~~20~~ weeks of supervisory underwater archaeological fieldwork;

(2) through (4) No change.

(5) For exploration permits, at least one ~~three~~ months of experience in the operation of remote sensing devices in a marine environment for the purpose of discovery and evaluation of archaeological resources supervised by a specialist in the use of such devices;

(6) through (7) No change.

1A-31.036 Project Archaeologist Responsibilities.

The project archaeologist shall:

(1) through (3) No change.

~~(4) Be present when excavation work is conducted;~~

~~(5) Personally visually inspect the excavation;~~

~~(4)(6) Personally be present and visually inspect excavations when significant archaeological material clusters and/or areas of articulated ship's structure are being excavated, and at such times as may be necessary to properly interpret the historic shipwreck site, as may be determined by the project archaeologist supervise excavation work and all recoveries in the permit area;~~

~~(5)(7) Ensure that adequate records are maintained during all remote sensing, testing, excavation, recovery, and conservation and stabilization of recovered artifacts laboratory procedures; and~~

(8) No change.

Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History—New\_\_\_\_\_.

Note: Proposed as 1A-31.035.

1A-31.040 Application Procedures.

(1) through (5) No change.

(6) Renewals shall have a term of three ~~one~~ years.

Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History—New\_\_\_\_\_.

1A-31.046 Application Review ~~Criteria for Issuing a Permit.~~

The division shall consider the following criteria in its decision to approve or deny a permit application, and may consider other relevant information:

(1) No change.

~~(2) Conflicts with other permit areas and non-permittable areas and sites, per Rule 1A-31.0045, F.A.C., exempted areas, exempted sites, excluded areas, excluded sites or navigation channels;~~

~~(3) Date of receiving the application in relation to other applications for the same location. A duplicate application for the same area shall not be entertained until the initial application for that area has been fully processed and made subject to a final order by the division;~~

(4) No change.

~~(5) Experience, ability and plans to restore submerged lands as demonstrated in the application;~~

(5) No change.

(7) through (8) renumbered (6) through (7) No change.

~~(8)(9) Financial ability to conduct complete the permitted activities as described demonstrated in the application;~~

(10) through (11) renumbered (9) through (10) No change.

~~(11)(12) Experience, ability and plans for data collection, security, inventory, and curation of recovered archaeological materials and records as demonstrated in the application;~~

~~(12)(13) Qualifications, experience and ability of the applicant to complete the proposed activities;~~

(14) through (16) renumbered (13) through (15) No change.

Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History—New\_\_\_\_\_.

Note: Proposed as 1A-31.045.

1A-31.050 Permit Issuance.

The division shall only issue a permit when:

(1) The applicant has supplied evidence of sufficient financial ability to conduct complete the permitted activities operation as permitted;

(2) through (3) No change.

~~(4) The applicant has demonstrated that proposed project activities will utilize professionally accepted techniques for exploration, identification, reconnaissance, recovery, recording, conservation and/or stabilization, preservation, and analysis of archaeological materials recovered;~~

~~(5) The applicant has supplied an adequate plan for the conservation and/or stabilization, analysis, and curation of all archaeological materials recovered, records, and other materials resulting from the permitted activities proposed operation, including facilities if appropriate; and~~

~~(6) The division has determined that activities allowed under the permit are consistent not inconsistent with the requirements of this rule.~~

Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History—New\_\_\_\_\_.

1A-31.055 Notice of Approval or Denial.

(1) The division shall notify the applicant of approval or intended denial of the application at the address provided in the application or as specified in any notice of change, per Rule 1A-31.080, F.A.C., within 90 days after receipt by the division of a completed application for a permit or a permit renewal. If the application is approved, the division shall furnish a permit document for signature by the applicant certifying agreement with its terms and conditions. The applicant shall return the signed permit to the division for signature by the division's authorized representative. The permit shall be executed by the division and returned to the permittee within 15 days of receipt. The permit is effective when it is signed by the applicant and the division.

(2) If the division intends to deny the application, the division shall list those criteria from Rule 1A-31.045, F.A.C., on which the intended denial is based and inform the applicant of the options available within the 90 days as cited above.

Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2) FS. History--New\_\_\_\_\_.

#### 1A-31.060 Requirements for All Permits.

Each permit must include:

(1) through (4) No change.

(5) Registration numbers of all boats participating in the permitted activities, including a notice that registration numbers may be updated by the permittee as needed;

(6) through (8) No change.

~~(9) Description of the expected types of activity which must be undertaken by the permittee to restore the submerged lands following completion of the permitted activities;~~

~~(9)(10) Minimum standards of diligence, expressed as a projected schedule of specific work activities and dates by which such activities shall to be initiated or conducted completed;~~

~~(10)(11) Notice that the permit requires submittal of a final or interim an annual report meeting the guidelines established in subsection 1A-46.001(3), F.A.C. National Oceanic and Atmospheric Administration 1:80,000 nautical charts should be substituted for U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle maps as required in subsection 1A-46.001(3), F.A.C., as appropriate;~~

~~(11)(12) No change.~~

~~(13) Notice that no guarantee of being granted a renewal or new permit is stated or implied;~~

~~(12)(14) Notice that the permittee must notify the division in writing within 72 hours and immediately of any change affecting the ability or plans to conduct the complete permitted activities as set forth in the application and the permit, including changes in boats and boat registration numbers used in the permitted activities;~~

~~(13)(15) Notice that the use of clamshell dredges, cutterhead dredges, explosives and suction dredges greater than 10 6 inches in diameter is prohibited; and~~

~~(14)(16) Notice of the conditions under which that the use of propwash deflectors is allowed prohibited unless specifically authorized in the permit.~~

~~(15) Notice that all vessels used in exploration or recovery activities or operations shall carry copies of the executed permit issued by the division.~~

Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History--New\_\_\_\_\_.

#### 1A-31.065 Additional Requirements for Exploration Permits.

(1) No excavation or displacement of archaeological materials shall be conducted unless approved in writing by the division in the form of an amendment to the Exploration Permit. No archaeological materials shall be recovered unless approved in writing by the division in the form of an amendment to the Exploration Permit. All archaeological materials recovered under an Exploration Permit shall be included in the pool of artifacts considered for transfer to the permittee if a recovery permit is issued, per Rule 1A-31.090, F.A.C remain state property.

(2) With a minimum of disturbance to the permit area the permittee shall:

(a) Conduct such remote sensing of the entire permit area as may be required to locate the specific historic shipwreck site or sites as referenced in the permittee's exploration application and permit;

(b) Identify the source of ~~any~~ anomalies as may be required, with an emphasis on locating the historic shipwreck site or sites as referenced in the permittee's exploration application and permit;

(c) Delineate the extent of historic shipwreck sites, with an emphasis on locating the historic shipwreck site or sites as referenced in the permittee's exploration application and permit; and

(d) Evaluate the potential characteristics and significance of any historic shipwreck site in consultation with the division, with an emphasis on locating the historic shipwreck site or sites as referenced in the permittee's exploration application and permit.

Rulemaking Specific Authority 267.031(1) FS. Law Implemented 267.031(2), 267.031(5)(i), (k), (o), 267.061(1) FS. History--New\_\_\_\_\_.

#### 1A-31.085 Permit Suspension and Revocation.

(1) When the division has reason to believe that a permittee may have violated one or more of the criteria for suspension or revocation of a permit, the division shall contact the permittee in writing and take other appropriate actions to make a determination of facts. If the division determines a violation has occurred, the division may suspend the permit by notifying the permittee of the violation and specifying corrective actions and dates by which such actions must be completed for the permit to be reinstated. If the stated corrective actions are not completed by the specified dates, the division may revoke the permit by notifying the permittee of the intent to revoke and informing the permittee of the available options. The division may suspend operations under a permit at any time for reasons, including but not limited to:

(a) Violation of the law or of this chapter;

(b) Violation of terms or conditions of the permit;



**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                    RULE TITLE:  
 6A-6.0901                    Definitions Which Apply to  
    Programs for Limited English  
    Proficient Students

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. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly.

Subsection (8) has been amended to read:

6A-6.0901 Definitions Which Apply to Programs for English Language Learners.

(8) In accordance with Section 1003.56(3)(d), Florida Statutes, ~~b~~Basic subject areas means instruction in reading, computer literacy, mathematics, science and social studies.

Specific Authority 1001.02 FS. Law Implemented 1003.56 FS. History--New 10-30-90, Amended\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                    RULE TITLE:  
 6A-6.0904                    Equal Access to Appropriate  
    Programming for Limited English  
    Proficient Students

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. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly.

Subparagraph (6)(b)4. was amended to read:

4. A plan of interim measures which must include inservice training programs, utilization of native speaking aides, native ~~active~~ language materials and other elements designed to assure that each student’s English language barrier is addressed in an instructionally sound manner.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                    RULE TITLE:  
 6A-6.0907                    Inservice Requirements for  
    Personnel of Limited English  
    Proficient Students

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. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly.

Paragraphs (2)(a) and (3)(a), Subsection (5), and Subparagraph (6)(b)2., are amended to read:

(2)(a) Any teachers using home language strategies to teach mathematics, science, social studies or computer literacy assigned to instruct English Language Learners on September 15, 1990, or for the first time in any given school year thereafter shall complete at least sixty points of inservice training or three semester hours of college credit in methods of teaching home language, home language curriculum and materials development, and ~~or~~ testing and evaluation in the home language by September 15 of the following year.

(3)(a) Any teacher assigned to instruct English Language Learners in subjects other than English, reading, mathematics, science, social studies or computer literacy on September 15, 1990, for the first time in any given school year thereafter shall complete at least eighteen points of inservice training or three semester hours of college credit methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding, and ~~or~~ testing and evaluation of ESOL by September 15 of the following year. Inservice training shall be provided during three full planning days or by other means approved in the district’s ELL plan.

(5) School administrators and guidance counselors shall complete sixty (60) points of inservice training or three (3) semester hours of college credit in English for Speakers of Other Languages, ESOL Curriculum and Materials Development, Cross-cultural Communications and Understanding, and ~~or~~ Testing and Evaluation of ESOL within three (3) years of their hiring date or assignment as a school administrator or guidance counselor. ESOL inservice training or college credit in ESOL taken prior to the hiring date or assignment may be used to meet this requirement.

(6)(b)2. A teacher required to have an ESOL endorsement on a certificate ~~pursuant to this rule~~ shall complete course work required for such endorsement in accordance with Rule 6A-1.0503, F.A.C.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                    RULE TITLE:  
 6A-22.001                    Definitions  
    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. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly.

Subsection (6) is amended to read:

(6) “Labor market” means an area not to exceed a fifty (50) mile radius of the injured employee’s customary residence ~~vicinity~~.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-22.003                   Reemployment Status Review  
                                  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. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly.

Paragraph (2)(e) was added to read:

(2)(e) Electronic submission of Form DWC-22 shall be required beginning eighteen (18) months after the effective date of this rule.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-22.010                   Reporting Services and Costs:  
                                  Qualified Rehabilitation Provider  
                                  and Employer or Carrier  
                                  Responsibilities  
                                  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. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly.

Subsection (13) is added to read:

(13) Electronic submission of Form DWC-21 shall be required beginning eighteen (18) months after the effective date of this rule.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:                   RULE TITLE:  
9B-72.090                   Product Approval by the  
                                  Commission  
                                  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. 35, No. 3, January 23, 2009 issue of the Florida Administrative Weekly.

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

(e) When a new edition of the Code does not require a material or substantive change for an approved product, the manufacturer of the approved product shall affirm that his or her approved product meets the new edition of the Code. As part of application for self-affirmation, if the evaluation report refers to the previous edition of the Code, the manufacturer of the approved product shall submit a statement from the an approved original evaluation or validation entity necessary to certify that the product complies with the subsequent code

version via an attachment uploaded and submitted through the BCIS. Self-affirmation is subject to review and verification by the Program Administrator.

- (f) through (g) No change.
- (2) through (3) No change.

Rulemaking Specific 553.77(1)(i), 553.842(1) FS. Law Implemented 553.842(1) FS. History–New 5-5-02, Amended 9-4-03, 11-22-06,\_\_\_\_\_.

**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.:                   RULE TITLE:  
33-601.820                   Maximum Management

**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. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly.

33-601.820 Maximum Management.

- (1) through (2) No change.
- (3) Initial Placement in Maximum Management Housing.
- (a) through (b) No change.

(c) Within 24 hours after an inmate is placed in maximum management housing, the Warden or Duty Warden shall review the Shift Supervisor’s referral for maximum management and document a decision, based on the criteria set forth in subsection (2), as to whether the inmate’s conduct was severe enough to warrant placement it is necessary to keep the inmate in maximum management housing pending completion of the hearing process in subsection (4). If the Warden or Duty warden determines that it is unnecessary to keep the inmate in maximum management housing pending completion of the hearing process, the inmate shall be placed in administrative confinement and the procedure for placement in close management outlined in Rule 33-601.800, F.A.C., shall be followed if the inmate is not already in close management. If the inmate was already in close management or death row status, the inmate shall be returned to that status. If the behavior for which the inmate was referred for maximum management inmate’s recent warrants consideration of an upward modification of his close management level, that action shall take place after his return to close management in accordance with Rule 33-601.800, F.A.C. If the Warden or Duty Warden determines that maximum management placement is appropriate, the inmate will immediately be given a written notice including the reason for the placement referral and

informing the inmate that a hearing to review the placement will be held no sooner than 24 hours from the delivery of the notice. The inmate may waive the 24 hour waiting period or his or her appearance at the hearing by signing the 24 Hour/Refusal to Appear Waiver, Form DC6-104. Form DC6-104 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is April 13, 2006.

(d) No change.

(4) through (6) No change.

(7) Periodic Modification of Conditions.

(a) If after the following time frames the Regional Director determines an inmate has displayed satisfactory adjustment to maximum management, taking into account ~~based on~~ the severity of any guilty findings on disciplinary reports created since the inmate's initial placement on maximum management status, and therefore determines that reinstatement of privileges is appropriate, privileges shall be reinstated as follows:

1. through 3. No change.

(b) If the ICT determines an inmate has displayed unsatisfactory adjustment to maximum management, taking into account the severity of any guilty findings on disciplinary reports created since the inmate has had his privileges reinstated an inmate whose privileges have been resinstated is subsequently found guilty on a disciplinary report, the ICT shall review the reports and make a determination as to whether and to what extent privileges shall be revoked.

(c) No change.

(8) through (9) No change.

Rulemaking 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, 4-27-08, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.406  
 RULE TITLE: Third Party Mailing Services  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 50, December 12, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**  
 RULE NO.: 40B-4.1090  
 RULE TITLE: Publications and Agreements  
 Incorporated by Reference  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly.

The date of the notice of rule development previously published as February 19, 2009, should have been February 27, 2009.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**  
 RULE NO.: 61A-1.010  
 RULE TITLE: Approved Advertising and Promotional Gifts  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**  
 RULE NO.: 61A-1.0109  
 RULE TITLE: Point of Sale Coupons  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 3, January 18, 2008 and the Notice of Change as noticed in Vol. 34, No. 36, September 5, 2008, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**  
 RULE NO.: 61A-3.0535  
 RULE TITLE: Calculation of Quota License Transfer Fees  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 45, November 7, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**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 Social Work, Marriage and Family Therapy and Mental Health Counseling**  
 RULE NO.: 64B4-3.007  
 RULE TITLE: Provisional Licensure  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly.

The correction is as follows:

Due to the repeal of Rule 64B4-3.007, F.A.C., the rule number shall be changed to 64B4-3.0075.

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-16.003  
 RULE TITLE: Apprenticeship Requirements and Training Program

**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. 35, No. 2, January 16, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns by the Joint Administrative Committee in a letter dated February 27, 2009, regarding sponsor information, and to modify two applicant history questions on form DH-MQA 1180.

The rule shall read as:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) Any persons seeking to be registered as an apprentice optician shall submit to the Board an Apprentice Optician Application (Form DH-MQA 1180, revised 3/09), hereby adopted and incorporated by reference, which can be obtained from the Board's website at [www.doh.state.fl.us/mqa/opticianry](http://www.doh.state.fl.us/mqa/opticianry). All apprenticeship training must be conducted by the sponsor(s) with whom the apprentice is currently registered with the Agency. Credits shall be granted to apprentices if the training is properly documented according to this rule. An apprentice shall not receive credit for any training received from a person other than the properly registered sponsor(s). However, an apprentice can receive credit for attending continuing education courses by a board-approved provider pursuant to this rule.

(2) An apprentice shall have no more than two sponsors at any given time. If an apprentice has two sponsors, one sponsor shall be the primary sponsor responsible for the secondary sponsor and the apprentice. The primary sponsor shall be responsible for the completion, filing, signature and verification of the Apprenticeship Sponsor ~~Attestation~~ Form (DH-MQA 1063, revised 11/08 +02) which is hereby adopted and incorporated by reference, which can be obtained from the Board's website at [www.doh.state.fl.us/mqa/opticianry](http://www.doh.state.fl.us/mqa/opticianry) and is available from the Board office at Department of Health, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. The secondary sponsor may work with

the apprentice in a store or office other than the primary store or office as long as the apprentice works under the apprenticeship requirements and training program.

(3) through (6) No change.

~~Rulemaking Specific~~ Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History--New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, 9-27-06, 4-19-07, 11-20-07, \_\_\_\_\_.

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.2031  
 RULE TITLE: Licensure by Examination; Foreign Pharmacy Graduates

**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. 34, No. 36, September 5, 2008 issue of the Florida Administrative Weekly.

The change is to reference the correct form number. The purpose of the Third Notice of Change is to make updated changes to subsections (1) and (5). All other changes made in the rule in the Notice of Change published on December 24, 2008 in Vol. 34, No. 52, of the F.A.W. are still valid. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The updated changes are as follows:

1. Subsection (1) shall now read as follows:

(1) Submit an application for licensure by examination on form DOH-MQA PH103 (Rev. 02/09), Foreign Graduate Pharmacist Examination Application and Instructions, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable examination fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

2. Subsection (5) shall now read as follows:

(5) Complete 2080 hours of supervised work activity, of which a minimum of 500 hours must be completed within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. The work experience



shall be documented on form DOH-MQA PH1153 (Rev. 03/09), Foreign Graduate Intern Work Activity Manual, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Further, no program of supervised work activity shall be approved for any applicant until said applicant has obtained the specified passing scores on the TOEFL or the TOEFL ibt.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NOS.:	RULE TITLES:
65A-1.303	Assets
65A-1.707	Family-Related Medicaid Income and Resource Criteria
65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria

**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. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly.

IF REQUESTED WITHIN 14 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: April 13, 2009, 1:30 p.m.  
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

**TEXT OF THE PROPOSED RULE CHANGES:**

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(2) Exclusions. The department follows SSI policy prescribed in 20 C.F.R. § 416.1210 (2008) and 20 C.F.R. § 416.1218 Part 416 (2008), incorporated by reference, in determining what is counted as a resource with the following exceptions, as mandated by federal Medicaid policies, or additional exclusions, as adopted by the department under section 42 U.S.C. § 1396a(r)(2) (2006), incorporated by reference. SSI policy requires resources in a blocked account to be countable resources. This applies regardless of whether the individual or their representative is required to petition the court to withdraw funds for the individual’s care. A blocked account is one in which state law protects an individual’s funds by specifically requiring that the funds be made available for the care and maintenance of the individual.

(3) No change.

(a) The department follows the policy for transfer of assets mandated by 42 U.S.C. §§ 1396p (2006) and 1396r-5 (2006), incorporated by reference. Transfer policies apply to the transfer of income and resources.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.:	RULE TITLE:
69J-2.003	Mediation Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms

**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. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly.

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: April 13, 2009, 3:00 p.m.  
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.:	RULE TITLE:
69J-166.031	Mediation of Property Insurance Claims

**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. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly.

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: April 13, 2009, 3:00 p.m.  
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NOS.:	RULE TITLES:
690-163.0075	Term and Evidence of Insurance
690-163.009	Determination of Reasonableness of Benefits in Relation to Premium Charge
690-163.011	Credit Disability Insurance Rates

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
690-164.040	Determining Reserve Liabilities for Preneed Life Insurance

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 40, October 3, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**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."

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67ER09-1	Purpose and Intent
67ER09-2	Definitions
67ER09-3	Implementation
67ER09-4	Community Workforce Housing Innovation Pilot Program
67ER09-5	State Apartment Incentive Loan Program

**SUMMARY:** These rules provide the procedures by which the Corporation shall return unexpended funds held by the Corporation to the State Treasury as directed by Ch. 2009-2, L.O.F.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Stephen P. Auger, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULE IS:

67ER09-1 Purpose and Intent.

The purpose of this rule chapter is to establish the procedures by which the Corporation shall de-obligate the unexpended balance of funds appropriated by the Legislature in Specific Appropriation 1616 of Chapter 2008-152, Laws of Florida, Chapter 2006-69, section 31, Laws of Florida, and Specific Appropriation 1694 of Chapter 2007-72, Laws of Florida, as directed by Chapter 2009-2, Laws of Florida.

Rulemaking Authority ch. 2009-2, s. 12, L.O.F. Law Implemented ch. 2009-1, s. 5, 44, 45, 46, and 47, L.O.F. History–New 3-16-09.

67ER09-2 Definitions.

(1) "Applicant" means any person or legally formed entity that (i) has received a funding award or (ii) is seeking a loan or funding from the Corporation by submitting an application or responding to a request for proposal for one or more of the Corporation's programs.

(2) "Balance of the Unexpended Funding to be De-obligated" means the remaining amount of Unexpended Funding that must be de-obligated to meet the requirements of Chapter 2009-1, section 47, Laws of Florida.

(3) "Board of Directors" or "Board" means the Board of Directors of the Corporation.

(4) "Calendar Days" means the seven (7) days of the week. 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.

(5) "Commercial Fishing Worker" means Commercial fishing worker as defined in Section 420.503, F.S.

(6) "Corporation" means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(7) "Credit Underwriter" means the independent contractor under contract with the Corporation having the responsibility for providing stated credit underwriting services.

(8) "CWHIP" or "CWHIP Program" means the Community Workforce Housing Innovation Pilot Program created pursuant to Chapter 2006-69, section 27, Laws of Florida, and as defined in Section 420.5095, F.S.

(9) "Development" means Project as defined in Section 420.503, F.S.

(10) “EHCL” or “EHCL Program” means the Elderly Housing Community Loan Program as defined in Section 420.5087, F.S.

(11) “ELI Supplemental Funds” means supplemental funds awarded through the 2007 and 2008 Universal Application Cycles.

(12) “Farmworker” means Farmworker as defined in Section 420.503, F.S.

(13) “FHR/SHAD” or “FHR/SHAD Program” means the Farmworker Housing Recovery and Special Housing Assistance and Development Program authorized by Ch. 2006-69, Laws of Florida.

(14) “Florida Keys Area” means Florida Keys Area as defined in Rule Chapter 67-48, F.A.C.

(15) “HAP” or “HAP Program” means the Florida Homeownership Assistance Program as defined in Section 420.5088, F.S.

(16) “HC” or “Housing Credit Program” means the rental housing program administered by the Corporation pursuant to Section 42 of the IRC, Section 420.5099, F.S., and Rule Chapter 67-48, F.A.C.

(17) “Homeless” means Homeless as defined in Rule Chapter 67-48, F.A.C.

(18) “Percentage of 2007 Large County Funding to be De-obligated” means the percentage resulting from the division of the Unexpended 2007 large county amount by the total 2007 Unexpended amount, rounded to four (4) decimal places.

(19) “Percentage of 2007 Medium County Funding to be De-obligated” means the percentage resulting from the division of the Unexpended 2007 medium county amount by the total 2007 Unexpended amount, rounded to four (4) decimal places.

(20) “Percentage of 2007 Unexpended Funding to be De-obligated” means the percentage resulting from the division of the total 2007 Unexpended amount by the total 2007/2008 Unexpended amount, rounded to four (4) decimal places.

(21) “Percentage of 2008 Large County Funding to be De-obligated” means the percentage resulting from the division of the Unexpended 2008 large county amount by the total 2008 Unexpended amount, rounded to four (4) decimal places.

(22) “Percentage of 2008 Medium County Funding to be De-obligated” means the percentage resulting from the division of the Unexpended 2008 medium county amount by the total 2008 Unexpended amount, rounded to four (4) decimal places.

(23) “Percentage of 2008 Small County Funding to be De-obligated” means the percentage resulting from the division of the Unexpended 2008 small county amount by the total 2008 Unexpended amount, rounded to four (4) decimal places.

(24) “Percentage of 2008 Unexpended Funding to be De-obligated” means the percentage resulting from the division of the total 2008 Unexpended amount by the total 2007/2008 Unexpended amount, rounded to four (4) decimal places.

(25) “RRLP” or “RRLP Program” means the Rental Recovery Loan Program which was created pursuant to Chapter 2005-92, section 3, and Chapter 2006-69, section 31, Laws of Florida, to facilitate the allocation of RRLP loans.

(26) “SAIL” or “SAIL Program” means the State Apartment Incentive Loan Program as defined in Sections 420.507(22) and 420.5087, F.S. and as provided in Rule Chapter 67-48, F.A.C.

(27) “SAIL Special Needs Program” means the SAIL funds redirected by the Board and awarded in response to Request for Proposal No. 2008-01.

(28) “SHIP” or “SHIP Program” means the State Housing Initiatives Partnership Program as defined in Section 420.9072, F.S.

(29) “Unexpended,” “Unexpended Funds” or “Unexpended Funding” shall mean (i) funds, other than ELI Supplemental Funds awarded in conjunction with an HC allocation, that were awarded by the Corporation through an application or request for proposal process and, as of January 27, 2009, have not been previously withdrawn or de-obligated by the Board and the Applicant does not have a Valid Firm Commitment and loan closing has not yet occurred or, (ii) funds that were appropriated but, as of January 27, 2009, have not been awarded through any of the Corporation’s programs.

(30) “Unexpended 2007 List” means the Unexpended Developments funded between March 12, 2007 (the opening of the 2007 Universal Application Cycle) and March 7, 2008 (the opening of the 2008 Universal Application Cycle), except for Developments funded in the 2007 Universal Application Cycle in the HC Florida Keys Area special set-aside or Developments that committed to the SAIL Farmworker/Commercial Fishing Worker demographic category or the Homeless demographic category.

(31) “Unexpended 2008 List” means the Unexpended Developments funded between March 7, 2008 (the opening of the 2008 Universal Application Cycle) and January 27, 2009, except for Developments funded in the 2008 Universal Application Cycle in the HC Florida Keys Area special set-aside or Developments that committed to the SAIL Farmworker/Commercial Fishing Worker demographic category or the Homeless demographic category.

(32) “Universal Application Cycle” means any funding cycle provided for in Rule Chapter 67-48, F.A.C.

(33) “Valid Firm Commitment” means a commitment issued by the Corporation to an Applicant following the Board’s approval of the credit underwriting report for the Applicant’s proposed Development which has been accepted by the Applicant and subsequent to such acceptance there have

been no material, adverse changes in the financing, condition, structure or ownership of the Applicant or the proposed Development, or in any information provided to the Corporation or its Credit Underwriter with respect to the Applicant or the proposed Development.

Rulemaking Authority ch. 2009-2, s. 12, L.O.F. Law Implemented ch. 2009-1, s. 5, 44, 45, 46, and 47, L.O.F. History—New 3-16-09.

#### 67ER09-3 Implementation.

To facilitate the transfer and return of the appropriated funding, as required by Chapter 2009-1, section 5 (Specific Appropriation 685) and sections 44 through 47, Laws of Florida, the Corporation shall:

(1) Reduce \$5,027,511 of the Unexpended SAIL funding from Specific Appropriation 1616 of Chapter 2008-152, Laws of Florida, as required by Chapter 2009-1, section 5 (Specific Appropriation 685).

(2) Transfer \$10,000,000 of the Unexpended homeownership funding from Specific Appropriation 1616 of Chapter 2008-152, Laws of Florida, to the SHIP Program, as required by Chapter 2009-1, section 44 of Laws of Florida.

(3) Transfer \$9,846,695 of the Unexpended FHR/SHAD Program funds appropriated in Chapter 2006-69, section 31, Laws of Florida, to the SHIP Program, as required by Chapter 2009-1, section 45, Laws of Florida. The Corporation shall de-obligate Unexpended Funds awarded to Developments funded under the provisions of Emergency Rules 67ER06-49 through 67ER06-57 and Emergency Rules 67ER07-01 through 67ER07-10, as follows:

(a) FHR/SHAD Developments shall be listed according to the FHR/SHAD application instructions.

(b) Funding reductions shall be made by de-obligating Unexpended Funds from the lowest ranked FHR/SHAD Development to the highest ranked FHR/SHAD Development. FHR/SHAD Developments which proposed new construction shall have funds de-obligated before FHR/SHAD Developments which proposed rehabilitation.

(c) Funding shall be de-obligated in this manner until the required reduction of \$9,846,695 in funds from these programs is met.

(d) Applicants with remaining program funds shall have all funding de-obligated if the amount remaining is not at least 75 percent of the funded amount.

(4) Transfer \$23,000,000 of Unexpended SAIL funds appropriated in Specific Appropriation 1694 of Chapter 2007-72, Laws of Florida, and Specific Appropriation 1616 of Chapter 2008-152, Laws of Florida, to the SHIP Program, as required by Chapter 2009-1, section 46, Laws of Florida. For purposes of this rule, the following Corporation funding is excluded from consideration for de-obligation: SAIL Special Needs Program and EHCL. The Corporation shall de-obligate Unexpended SAIL funding awarded to Developments on the Unexpended 2007 List and the Unexpended 2008 List, as set

out below. If a Development that has its total SAIL funds de-obligated also received ELI Supplemental Funds, such ELI Supplemental Funds will also be de-obligated. However, the de-obligated ELI Supplemental Funds will not be used for the purposes of transferring the Unexpended SAIL funds.

(a) The total 2007 Unexpended amount will be added to the total 2008 Unexpended amount, resulting in the total 2007/2008 Unexpended amount.

(b) The \$23,000,000 amount to be transferred will then be multiplied by the Percentage of 2007 Unexpended Funding to be De-obligated, resulting in the 2007 Unexpended amount to be de-obligated.

(c) The \$23,000,000 amount to be transferred will then be multiplied by the Percentage of 2008 Unexpended Funding to be De-obligated, resulting in the 2008 Unexpended amount to be de-obligated.

(d) The 2007 Unexpended medium county amount and the 2007 Unexpended large county amount will be determined by listing the Developments on the Unexpended 2007 List within each geographic category (medium county and large county) in the order selected for funding. There is no small county Unexpended Funding on the Unexpended 2007 List. To determine the amount of 2007 Unexpended medium and large county funding to be de-obligated, the Corporation shall:

1. Multiply the 2007 Unexpended amount to be de-obligated by the Percentage of 2007 Medium County Funding to be De-obligated, resulting in the 2007 Unexpended medium county amount to be de-obligated.

2. Multiply the 2007 Unexpended amount to be de-obligated by the Percentage of 2007 Large County Funding to be De-obligated, resulting in the 2007 Unexpended large county amount to be de-obligated.

(e) The 2008 Unexpended small county amount, the 2008 Unexpended medium county amount, and the 2008 Unexpended large county amount will be determined by listing the Developments on the Unexpended 2008 List within each geographic category (small county, medium county and large county) in the order selected for funding. To determine the amount of 2008 Unexpended small, medium and large county funding to be de-obligated, the Corporation shall:

1. Multiply the 2008 Unexpended amount to be de-obligated by the Percentage of 2008 Small County Funding to be De-obligated, resulting in the 2008 Unexpended small county amount to be de-obligated.

2. Multiply the 2008 Unexpended amount to be de-obligated by the Percentage of 2008 Medium County Funding to be De-obligated, resulting in the 2008 Unexpended medium county amount to be de-obligated.

3. Multiply the 2008 Unexpended amount to be de-obligated by the Percentage of 2008 Large County Funding to be De-obligated, resulting in the 2008 Unexpended large county amount to be de-obligated.

(f) Working in reverse order of funding within each geographic category, the Corporation will de-obligate Developments as follows:

1. Developments on the Unexpended 2008 List will be de-obligated until the total 2008 Unexpended amount is reached, by first de-obligating Developments in the 2008 large county category until the 2008 Unexpended large county amount to be de-obligated is reached, and then de-obligating Developments in the 2008 medium county category until the 2008 Unexpended medium county amount to be de-obligated is reached, and finally de-obligating Developments in the 2008 small county category until the 2008 Unexpended small county amount to be de-obligated is reached.

2. Next, Developments on the Unexpended 2007 List will be de-obligated until the total 2007 Unexpended amount is reached, by first de-obligating Developments in the large county category until the 2007 Unexpended large county amount to be de-obligated is reached, and then de-obligating Developments in the 2007 medium county category until the 2007 Unexpended medium county amount to be de-obligated is reached.

(5) Return \$190,000,000 to the Treasury of the State of Florida, as required by Chapter 2009-1, section 47, Laws of Florida. For purposes of this rule, the following Corporation funding is excluded from consideration for de-obligation: SAIL Special Needs Program, EHCL, HAP, SHIP and SHIP compliance monitoring. The Corporation shall de-obligate Unexpended Funding from the following Corporation programs, in the following order, until such dollar amount is reached:

(a) All Developments awarded CWHIP Program funding, except for the following:

1. Developments that selected "Rehabilitation" in Part III.A.3. of the 2007 CWHIP application;

2. The highest ranked 2006 CWHIP Development, based on the January 26, 2007 final ranking approved by the Board, that has not closed on its CWHIP loan, withdrawn or been de-obligated by the Board and has timely paid the extension fee required by Rule 67-58.020(6) or Rule 67-58.070(6), F.A.C.; and

3. The highest ranked, eligible 2007 CWHIP Development, based on the May 2, 2008 final ranking approved by the Board, that has not withdrawn or been de-obligated by the Board.

A CWHIP Development that is not de-obligated because it met the above criteria will be required to meet specific program requirements as outlined in Rule 67ER09-4.

(b) All Developments awarded RRLP Program funding that have not closed on the RRLP loan or were not previously withdrawn or de-obligated by the Board.

(c) All Developments awarded SAIL Program funding prior to the 2007 Universal Application Cycle that have not closed on the SAIL loan or were not previously withdrawn or

de-obligated by the Board, except for Developments funded in said Universal Applications in the HC Florida Keys Area special set-aside or Developments that committed to the SAIL Farmworker/Commercial Fishing Worker or Homeless demographic categories.

(d) All Developments on the Unexpended 2008 List with funds remaining that have not been previously de-obligated under this rule. If a Development that has its total SAIL funds de-obligated also received ELI Supplemental Funds, such ELI Supplemental Funds will also be de-obligated. However, the de-obligated ELI Supplemental Funds will not be used for the purposes of transferring the Unexpended SAIL funds.

(e) The Balance of the Unexpended Funding to be De-obligated will be met by de-obligating funds from the remaining Developments on the Unexpended 2007 List, as set out below. If a Development that has its total SAIL funds de-obligated also received ELI Supplemental Funds, such ELI Supplemental Funds will also be de-obligated. However, the de-obligated ELI Supplemental Funds will not be used for the purposes of transferring the Unexpended SAIL funds.

1. The Balance of the Unexpended Funding to be De-obligated will be multiplied by the Percentage of 2007 Medium County Funds to be De-obligated, resulting in the balance of Unexpended 2007 medium county amount to be de-obligated. Next, the Balance of the Unexpended Funding to be De-obligated will be multiplied by the Percentage of 2007 Large County Funds to be De-obligated, resulting in the balance of Unexpended 2007 large county amount to be de-obligated.

2. Working in reverse order of funding within each geographic category, the Corporation will de-obligate Developments on the Unexpended 2007 List that have not been previously withdrawn or de-obligated, as follows:

a. Beginning with the large county category, Developments will be de-obligated until the balance of Unexpended 2007 large county amount to be de-obligated is reached; and

b. Next, Developments in the medium county category will be de-obligated until the balance of Unexpended 2007 medium county amount to be de-obligated is reached.

A SAIL Development funded prior to the 2007 Universal Application Cycle that is not de-obligated will be required to meet specific program requirements as set out in Rule 67ER09-5 below.

A SAIL Development that is not de-obligated because it was excluded from the Unexpended 2007 List or the Unexpended 2008 List will be required to meet specific program requirements as set out in Rule Chapter 67-48, F.A.C.

Rulemaking Authority ch. 2009-2, s. 12, L.O.F. Law Implemented ch. 2009-1, s. 5, 44, 45, 46, and 47, L.O.F. History—New 3-16-09.

67ER09-4 Community Workforce Housing Innovation Pilot Program.

CWHIP Developments that are not de-obligated under the provisions of paragraph 67ER09-3(5)(a) to meet the requirements of Chapter 2009-1, section 47, Laws of Florida, will be required to meet the following specific program requirements:

(1) Upon approval of the de-obligation by the Board, the Corporation will issue a notice to such Developments. Within 90 Calendar Days of the date of the notice, the Applicant must have received Board approval of a final credit underwriting report; and

(2) The CWHIP loan must close within 60 Calendar Days of the issuance of the firm commitment, with the option of one (1) 60 Calendar Day extension. All extension requests must be submitted in writing to the program administrator and contain the specific reason for requesting the extension. 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 the requested extension. The Corporation shall charge a fee of 1 percent of the CWHIP loan amount if the loan is extended.

(3) If a 2006 CWHIP Development that is not de-obligated is unable to meet the specific program requirements in paragraphs (1) and (2) above, then those CWHIP funds will be offered to the highest ranking unfunded eligible 2006 CWHIP Development, including those Developments that have been de-obligated, based on the final ranking approved by the Board at its January 26, 2007 meeting, provided the Applicant has not (i) withdrawn its request for funding, or (ii) closed on its CWHIP loan, or (iii) failed to pay the extension fee required by Rule 67-58.020(6) or Rule 67-58.070(6), F.A.C.

(4) If a 2007 CWHIP Development that is not de-obligated is unable to meet the specific program requirements in paragraphs (1) and (2) above, then those CWHIP funds will be offered to the highest ranking unfunded eligible 2007 CWHIP Development, including those Developments that have been de-obligated, based on the final ranking approved by the Board at its May 2, 2008 meeting, provided the Applicant has not withdrawn its request for funding.

(5) CWHIP Developments funded under the provisions of paragraph (3) or (4) above, will be required to meet the following specific program requirements.

(a) If the CWHIP funds that become available are less than the amount requested by an Applicant for an eligible Development, the Applicant may choose to accept the lesser amount or have the funds offered to the next highest ranked eligible unfunded application. In the event that there are no Developments that choose to accept the lesser amount, then the funds will be held until a time that additional funds may

become available as a result of a funded Development being unable to proceed or until they are allocated as the Board deems appropriate.

(b) Within 90 Calendar Days from the award of funding, the Applicant must have received Board approval of a final credit underwriting report.

(c) The CWHIP loan must close within 60 Calendar Days of the issuance of the firm commitment, with the option of one (1) 60 Calendar Day extension. All extension requests must be submitted in writing to the program administrator and contain the specific reason for requesting the extension. 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 the requested extension. The Corporation shall charge a fee of 1 percent of the CWHIP loan amount if the loan is extended. Failure to meet the requirements in paragraphs (b) and (c) above shall result in de-obligation of the funding. Except as provided above, the Applicant shall be governed by the provisions of Rule Chapter 67-58, F.A.C.

Rulemaking Authority ch. 2009-2, s. 12, L.O.F. Law Implemented ch. 2009-1, s. 44, 45, 46, and 47, L.O.F. History—New 3-16-09.

67ER09-5 State Apartment Incentive Loan Program.

SAIL Developments that were funded prior to the 2007 Universal Application Cycle that are not de-obligated under the provisions of paragraph 67ER09-3(5)(c) above to meet the requirements of Chapter 2009-1, section 47, Laws of Florida, will be required to meet the following specific program requirements. Failure to meet these requirements shall result in de-obligation of the funding.

(1) Upon approval of the de-obligation by the Board, the Corporation will issue a notice to such Developments. Within 90 Calendar Days of the date of the notice, the Applicant must have received Board approval of a final credit underwriting report; and

(2) The SAIL loan must close within 60 Calendar Days of the issuance of the firm commitment, with the option of one (1) 60 Calendar Day extension. All extension requests must be submitted in writing to the program administrator and contain the specific reason for requesting the extension. 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 the requested extension. The Corporation shall charge a fee of 1 percent of the SAIL loan amount if the loan is extended. Except as provided above, the Applicant shall be governed by the provisions of Rule Chapter 67-48, F.A.C. If there is a conflict between this rule chapter and Rule Chapter 67-48, F.A.C., this rule chapter will govern.

Rulemaking Authority ch. 2009-2, s. 12, L.O.F. Law Implemented ch. 2009-1, s. 44, 45, 46, and 47, L.O.F. History—New 3-16-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: March 16, 2009

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

### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Criminal Justice Standards and Training Commission, received a petition for temporary waiver of paragraph 11B-21.005(8)(a), F.A.C., from Director William Wall and the Sarasota Criminal Justice Academy. The Petitioner wishes to waive that requirement of rule which mandates that training schools operate on a 12-month calendar for all full-time instructional positions. The Petitioner operates under the umbrella of the Sarasota County Technical Institute. The Institute has made budget cuts in compliance with the reduction of workforce education training monies. These budget cuts require the various components of the Institute to reduce their instructional staff from 12-month to 11-month contracts. Petitioner states that it has no option but to comply. Petitioner, therefore, requests that the Commission waive that portion of paragraph 11B-21.005(8)(a), F.A.C., which requires training school instructional staff to operate on 12-month, full-time contracts.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 323202, (850)410-7676.

### 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 March 13, 2009, the Suwannee River Water Management District, received a petition for variance from Janice Wood, 3510 185th Place, Wellborn, FL 32094, pursuant to Section 120.542, F.S. This is an amendment to a petition that was noticed on February 13, 2009, Vol. 35, No. 6, Florida Administrative Weekly. Petitioner is seeking a variance from subsection 40B-4.3030(9), F.A.C., to the zero-rise certification requirement and paragraph

40B-4.3030(12)(b), F.A.C., to the 75-foot setback requirement. The property owner constructed an unpermitted structure in Lafayette County in Township 6 South, Range 14 East, Section 28, within the 75-foot setback. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 08-0387.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on March 18, 2009, the South Florida Water Management District (District) received a request for Withdrawal of a Petition for Waiver regarding Application No. 09-0212-1 for utilization of Works or Lands of the District known as the C-100A Canal; Section 14, Township 55S, Range 40E, Miami-Dade County. The District originally, received a petition for waiver from Andrew Wong on February 12, 2009, and Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 9, March 6, 2009. No public comment was received. A copy of the Withdrawal Request a copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, (561)682-6320 or Email: [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov).

NOTICE IS HEREBY GIVEN THAT on March 6, 2009, the South Florida Water Management District (District), received a petition for waiver from the Town of Davie, Application No. 08-1229-5, for utilization of Works or Lands of the District known as the C-11 Canal, for the proposed installation of equestrian bridges with associated handrails, bollards, and signs within the C-11 right of way located at 66th Way, 70th Terrace, and 73rd Terrace; Section 27, Township 50 South, Range 41 East, Broward County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail at [kruff@sfwmd.gov](mailto:kruff@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: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on March 10, 2009, the South Florida Water Management District (District), received a petition for waiver from the City of Miramar, Application No. 09-0310-1, for utilization of Works or Lands of the District known as the C-9 (Snake Creek Canal), requesting authorization to allow for the installation of guardrail along, and use of, approximately 3200' of the District's northerly right of way beginning at S. W. 148th Avenue easterly to the Florida Turnpike for roadway purposes; Section 34, Township 51S, Range 40E, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank and use of the District's right of way for public roadway purposes within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: kruff@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.: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on March 12, 2009, the South Florida Water Management District (District), received a petition for waiver which was amended. The amended petition was filed by Mariela Sanchez (Application No. 07-0817-1) for utilization of Works or Lands of the District known as the Faka Union Canal, for the proposed installation of a cross fence with 2-16' vehicular gates located within the west right of way of the Faka Union Canal on the east side of 3884 16th Avenue Southeast; Section 17, Township 49 South, Range 28 East, Collier County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground encroachments (cross fence and gates within 40 feet of the top of canal bank) within Works or Lands of the District. The petition for Waiver was amended in order to specify that strict application of the criteria or rule would create a substantial hardship.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: kruff@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.: Kathie Ruff, Office of Counsel.

#### **DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT on March 10, 2009, the the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from the Early Learning Coalition of Clay, Nassau, Baker and Bradford Counties, 1845 Town Center Boulevard, Suite 150, Orange Park, Florida 32003.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from the Early Learning Coalition of Seminole, 239 Rinehart Road, Lake Mary, Florida 32746.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, Tallahassee, Florida 32399-4120.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on March 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 61C-5.001, F.A.C., Standards Adopted; Exclusions; and Conflicts; Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Penny Blair, General Manager of Summerhouse of Panama City Condominium Association (VW2009-028).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on March 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 61C-5.001, F.A.C., Standards Adopted; Exclusions; and Conflicts; Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Jack Blake, President, Hickory Harbour Condos, Bonita Springs (VW2009-029).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.



NOTICE IS HEREBY GIVEN THAT on February 26, 2009, the the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Rule 61C-5.001, F.A.C., Standards Adopted; Exclusions; and Conflicts; USF Tampa Residence Facility, License Numbers 96468-96473 requesting a permanent varaince to allow the use of 1/4 inch governor cable. The request was recieved from Ryan Fish of Oracle Elevator (VW2009-024).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 5, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition Rule 61C-5.001, F.A.C., Standards Adopted; Exclusions; and Conflicts; for a temporary variance from Rules 2.7.4 and 3.11.3, A17.3, 1996 which require restricted opening of doors and Fire Fighter Service Phase 1 and 2 from Paul Komie on behalf of Harbor Village Condominium Association of Rotal Palm Beach (VW2009-038).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 12, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, Rule 61C-5.001, F.A.C., Standards Adopted; Exclusions; and Conflicts; received a petition for a variance from A17.3, 1996 from San Modi of Days Inn Tampa Bay in Tampa, FL (VW2009-039).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on February 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Jean Ravenscroft, President, Surf Song Condominium (VW 2009-025).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, Rule 61C-5.001, F.A.C., Standards Adopted; Exclusions; and Conflicts; received a petition for Rule 2.7.4.1, A17.1, 2005 edition which prohibits foreign equipment within the machine room from Lee Rigby on behalf of Halifax Medical Center, Daytona.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 4, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, Rule 61C-5.001, F.A.C., Standards Adopted; Exclusions; and Conflicts; received a petition for a temporary variance from A17.3, 1996 from Marjorie Smith of Bermuda High West Condominiums in Delray Beach, Florida (VW2009-035).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from Rule 3.11.3, A17.3 requiring Fire Fighter Service Phase 1 and 2, from William Snyder on behalf of Willow Lake Condominiums, Kenneth City (VW2009-023).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on February 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, Rule 61C-5.001, F.A.C., Standards Adopted; Exclusions; and Conflicts; received a petition for a temporary variance from A17.3, 1996 which require restricted opening of doors and Fire Fighter Service Phase 1 and 2 from Reese Williamson of Spanish Galleon Condominiums (VW 2009-034).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on February 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 61C-5.001, F.A.C.; Rules 2.7.4 and 3.11.3, A17.3, 1996 which require restricted door openings and Fire Fighter Service Phase 1 and 2 from Reese Williamson of Spanish Galleon Condominium in Marathon, Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on February 12, 2009, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on April 22, 2008, by Daniel Acheampong. The Notice of Petition for Waiver or Variance was published in Vol. 34, No.

20, of the May 16, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting on June 11, 2008, in Tampa, Florida.

The Board's Order, filed on February 12, 2009, denied the petition finding that Petitioner failed to establish that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner had failed to establish that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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#### 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."

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on March 10, 2009, the Board of Clinical Laboratory Personnel, received a petition for Thuy Ai Huynh. Petitioner is seeking a variance from the education requirement set forth in subsection 64B3-5.003(3), Florida Administrative Code, for those seeking a specialty.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on March 11, 2009, the Board of Clinical Laboratory Personnel, received a petition for Variance or Waiver filed on March 11, 2009 on behalf of Tammy Spell, M.T., A.M.T. Petitioner seeks a waiver of the provisions of Rule 64B3-5.002, F.A.C., Governing Educational Requirements. Specifically, the Petitioner requests that the Board accept as equivalent to the Bachelor of Science degree required under Rule 64B3-5.002, F.A.C., certain pertinent experience and education Petitioner has attained, as described in the petition, so as to obtain a license from this Board.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

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NOTICE IS HEREBY GIVEN THAT on March 17, 2009, the The Board of Massage Therapy, received a petition for The Board of Massage Therapy hereby gives notice that it has received a petition, filed on March 17, 2009, by Rev. Dr. B. Goldstien, seeking a waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., with respect to the 12 hours of continuing education via live classroom instruction which includes hands on instruction or demonstration due to financial hardship.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

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NOTICE IS HEREBY GIVEN THAT on March 17, 2009, the The Board of Massage Therapy, received a petition for The Board of Massage Therapy hereby gives notice that it has received a petition, filed on March 17, 2009, by Mary Alice Tarpen, seeking a waiver or variance of Rule 64B7-28.009, F.A.C., with respect to the 12 hours of continuing education via live classroom instruction which includes hands on instruction or demonstration due to medical hardship.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

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NOTICE IS HEREBY GIVEN THAT on February 20, 2009, the Board of Massage Therapy, received a petition for waiver or variance from Slava Galperina Weinberg, of Rule 64B7-25.001, F.A.C., which requires a licensed massage therapist to complete a course of study at a massage school approved by the Board pursuant to Chapter 64B7-32, F.A.C., or complete an approved apprenticeship program in accordance with Chapter 64B7-29, F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

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NOTICE IS HEREBY GIVEN THAT on March 17, 2009, the Board of Pharmacy, received a petition for GE Healthcare, seeking a variance or waiver of Rule 64B16-27.797, Florida Administrative Code, which requires that the buffer area is to be maintained within ISO Class 7 level of particulate contamination.

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, (850)245-4292. Comments on this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Department of Health, received a petition for Emergency Variance from subsection 64E-11.008(2), Florida Administrative Code. This rule states, "Studs, joists and rafters shall not be left exposed in walk-in refrigeration units, in food preparation or washing areas or toilet rooms." The petitioner, Brian Cross and Brandon Hoffman, Fuhgetaboutit, Inc., 7004 Cortez Road, West, Bradenton, FL 34210, seeks to have an exposed ceiling in the food (beverage) preparation area. Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 5 days of publication of this notice. A copy of the Petition for Variance or Waiver may be obtained by contacting: Ric Mathis, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08 Tallahassee, Florida 32399-1710, (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on March 6, 2009, the Florida Department of Health, Bureau of Emergency Medical Services (EMS), has issued an order.

A petition was filed by Alachua County Department of Public Safety, Fire Rescue Section, with the Department of Health on January 9, 2009 and published January 23, 2009 in the Florida Administrative Weekly requesting a temporary variance from Rule 64J-1.003, Table II (v), Florida Administrative Code, which requires an electronic waveform capnography capable of real-time monitoring and printing record of the intubated patient for Advanced Life Support (ALS) ground vehicles.

The Department of Health, Bureau of EMS has granted the request for variance. The general basis for this decision was that Petitioner met the general requirements for variance:

- (a) Principles of fairness would be violated should Petitioner be required to adhere to the current rule. Petitioner is currently evaluating defibrillators from multiple manufacturers with the intent to replace the current units, once they are obsolete in April 2010, with new units incorporating the required upgrade.
- (b) A substantial hardship would be placed upon Petitioner as it would be without licensed ALS ground vehicles.

Wherefore, based on the Findings of Fact and Conclusions of Law, the petition for temporary variance has been granted and allows Alachua County Department of Public Safety to operate its ALS ground vehicles without the required upgrade until April 1, 2010.

A copy of the Order may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax: (850)488-9408, email: lisa\_walker2@doh.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 6, 2009, the Florida Department of Health, Bureau of Emergency Medical Services (EMS), has issued an order.

A petition was filed by DeSoto County Fire and Rescue with the Department of Health on December 22, 2008 and published January 9, 2009 in the Florida Administrative Weekly requesting a temporary variance from Rule 64J-1.003, Table II (v), Florida Administrative Code, which requires an electronic waveform capnography capable of real-time monitoring and printing record of the intubated patient for Advanced Life Support (ALS) ground vehicles.

The Department of Health, Bureau of EMS has granted the request for variance. The general basis for this decision was that Petitioner met the general requirements for variance:

- (a) Principles of fairness would be violated should Petitioner be required to adhere to the current rule. Petitioner has provided evidence of its backorder for the equipment upgrade.
- (b) A substantial hardship would be placed upon Petitioner as it would be without licensed ALS ground vehicles.

Wherefore, based on the Findings of Fact and Conclusions of Law, the petition for temporary variance has been granted and allows DeSoto County Fire and Rescue to operate its ALS ground vehicles without the required upgrade until December 31, 2009.

A copy of the Order may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax: (850)488-9408, email: lisa\_walker2@doh.state.fl.us.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on March 3, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Kids in Distress and Aaron Gentry, assigned Case No. 09-011W. Subsection 65C-15.017(3), F.A.C. requires agency staff responsible for case work services shall have a bachelor's or master's degree of social work or related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on March 12, 2009, the Florida Housing Finance Corporation, received a petition for Waiver of Part II.A.2.a.(1) of the 2006 Universal Application Instructions for a Change of Petitioner’s Ownership Structure of the 2006 Universal Application Instructions from Heron Pond Apartments II, LTD, (“Petition”). The Petition is seeking a waiver of the restriction against changes in Petitioner’s ownership structure until after a Final Housing Credit Allocation has been issued.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website: www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI**

**Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: April 14, 2009, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans’ Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department’s mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee,

Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, April 14, 2009, 9:30 a.m.

**PLACE:** Second Floor, Conference Room, FHP Troop K Law Enforcement Building, 9320 Lake Worth, West Palm Beach Service Plaza, Lake Worth, FL 33467, (561)357-4000

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Art Selection Committee for Project #DOT 232914-1 West Palm Beach Law Enforcement Facility in Lake Worth will hold an Orientation Meeting to evaluate the new facility and determine potential artwork sites.

A copy of the agenda may be obtained by contacting: Lee Modica, Department of State, Division of Cultural Affairs, 500 South Bronough Street, Tallahassee FL 32399-0250, (850)245-6476.

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: Morgan Lewis, Department of State, Division of Cultural Affairs, (850)245-6356. 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.

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agricultural Center and Horse Park Authority** announces a public meeting to which all persons are invited.

**DATES AND TIME:** Tuesdays, April 7, 2009; April 14, 2009; April 21, 2009; April 28, 2009, 4:00 p.m.

**PLACE:** Ocala Foxtrotter Ranch, 11800 South Highway 475, Ocala, Florida 34480

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The committees of the Florida Agricultural Center and Horse Park Authority will meet every Tuesday in April to discuss committee business.

A copy of the agenda may be obtained by contacting: Richard Gunnels at gunnelr@doacs.state.fl.us or (850)488-3022.

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 gunnelr@doacs.state.fl.us or (850)488-3022. 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 **Division of Plant Industry** announces a public meeting to which all persons are invited.

DATE AND TIME: April 9, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Doyle Conner Building, Auditorium, 1911 Southwest 34th Street, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Noxious Weed and Invasive Plant Committee. Review of application submitted to include *Arundo donax* on the Florida Noxious Weed and Invasive Plant List.

A copy of the agenda may be obtained by contacting: Dr. Wayne Dixon, Assistant Director, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100.

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: Dr. Wayne Dixon, Assistant Director, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100. 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 EDUCATION

The **Department of Education, Division of Blind Services**, Business Enterprises Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 7, 2009, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2450312, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Grievance Board conference call regarding the Division of Blind Services denial of an a vendor's request for an administrative appointment, objection to the cancellation of a Licensed Operator Facility Agreement (LOFA) for breach and the Selection Process penalty for LOFA cancellation for breach.

A copy of the agenda may be obtained by contacting: Eugene Newcomb at (850)245-0350.

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 work days before the workshop/meeting by contacting: Eugene R. Newcomb at (850)245-0350. 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 **Community College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

PLACE: College's South Campus, Nathan H. Wilson Center for the Arts, 11901 Beach Blvd., Jacksonville, Florida 32246

STRATEGIC CONVERSATION

DATE AND TIME: April 7, 2009, 12:00 Noon – 2:00 p.m.

PLACE: Room M-1140

GENERAL SUBJECT MATTER TO BE CONSIDERED: State College Transition.

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: April 7, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Room M-1140

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING

DATE AND TIME: April 7, 2009, 3:00 p.m. – 5:00 p.m.

PLACE: Room M-1142

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, March 31, 2009, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with the College President, Florida Community College at Jacksonville, on or before April 7, 2009. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. Through the months of April and May, 2009, the Board will hold informal meetings each Thursday from 12:00 Noon to 4:00 p.m. at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate. FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal

access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

## DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Training Center Directors' Test Bank Committee Meeting, Tuesday, May 12, 2009, 1:00 p.m.; Training Center Directors' Physical Fitness Training Committee Meeting, Tuesday, May 12, 2009, 1:30 p.m.; Training Center Directors' Advanced and Specialized Training Committee Meeting, Tuesday, May 12, 2009, 2:00 p.m.; Training Center Directors' Basic Recruit Training Committee Meeting, Tuesday, May 12, 2009, 3:00 p.m.; Training Center Directors' Rules Committee Meeting, Tuesday, May 12, 2009, 4:00 p.m.; Training Center Directors Association Business Meeting, Wednesday, May 13, 2009, 8:30 a.m.; Probable Cause Determination Hearings, Wednesday, May 13, 2009, 10:00 a.m.; Commission Workshop: Officer Discipline Penalty Guidelines, Wednesday, May 13, 2009, 2:00 p.m.; Regional Criminal Justice Selection Center Directors Association, Wednesday, May 13, 2009, 3:00 p.m.; Criminal Justice Standards and Training Commission Meeting: Business, Thursday, May 14, 2009, 8:00 a.m.; Criminal Justice Standards and Training Commission Meeting: Officer Discipline, Thursday, May 14, 2009, 9:30 a.m.

**PLACE:** Hyatt Regency Tampa, 211 North Tampa Street, Tampa, Florida 33602. Reservation Information: (813)225-1234. Group Name: Criminal Justice Standards and Training Commission. To make On-Line Reservations: <http://tamparegency.hyatt.com/groupbooking/tpartfdle2009>.

The guest room rate is \$114.00 Single or Double from May 10, 2009 – May 16, 2009. Check-in is 3:00 p.m. and Check-out is 12:00 Noon. The deadline for making reservations is April 13, 2009. You may cancel your reservation by 3:00 p.m., on the day before your scheduled date of arrival.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The above meeting will be held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools.

A copy of the agenda may be obtained by contacting: Donna Hunt at (850)410-8615 or e-mail: [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us).

Commission Meeting Information can be accessed on April 27, 2009 at <http://www.fdle.state.fl.us>, then Click on "A-Z Index," then Click on "Criminal Justice Standards and Training Commission," and then Click on "Commission Meeting Schedule," or on "Meeting Packet."

A copy of the Officer Discipline agenda may be obtained by contacting: Brenda Presnell at (850)410-8648 or e-mail: [brendapresnell@fdle.state.fl.us](mailto:brendapresnell@fdle.state.fl.us).

A copy of the Training Center Director's Agenda may be obtained by contacting: Chairman Don Ruminer, Withlacoochee Technical Institute Criminal Justice Academy at (352)726-2430, Ext. 273, e-mail: [ruminerd@citrus.k12.fl.us](mailto:ruminerd@citrus.k12.fl.us). For information about hotel accommodations, please contact: Cheryl Taylor at (850)410-8657 or e-mail: [cheryltaylor@fdle.state.fl.us](mailto:cheryltaylor@fdle.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: 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).

For more information, you may contact: Donna Hunt at (850)410-8615.

## DEPARTMENT OF REVENUE

**NOTICE OF RESCHEDULING – The Department of Revenue** announces a public hearing to which all persons are invited.

**DATE AND TIME:** April 28, 2009, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m. A notice of public meeting for the March 24, 2009, meeting of the Governor and Cabinet, was published in the March 13, 2009, (Vol. 35, No. 10, pp. 1225-1226), Florida Administrative Weekly.

**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Approval of the proposed amendments for the following rule sections. These proposed rule amendments were noticed in the February 6, 2009, (Vol. 35, No. 5, pp. 535-575), Florida Administrative Weekly.

Administrative – Rules 12-14.003, F.A.C. (Remittance of Costs to the Department of Revenue), and 12-14.005, F.A.C. (Form for Remittance of Costs to the Department of Revenue).

Administrative – Rules 12-18.001, F.A.C. (Authorization for Compensation), 12-18.002, F.A.C. (Eligibility To File Claim For Compensation), 12-18.004, F.A.C. (Submission of Information and Claims For Compensation), and 12-18.008, F.A.C. (Compensation For Vending Machine Violations). A Notice of Change to Rules 12-18.001 and 12-18.004, F.A.C., will be published in this issue of the Florida Administrative Weekly.

Administrative – Rules 12-24.001, F.A.C. (Scope of Rules), 12-24.002, F.A.C. (Definitions), 12-24.003, F.A.C. (Requirements to File or to Pay Taxes by Electronic Means),

12-24.004, F.A.C. (Enrollment), 12-24.005, F.A.C. (Methods of Payment by Electronic Means), 12-24.007, F.A.C. (Electronic Payment Transmission Errors), 12-24.008, F.A.C. (Procedures for Payment), 12-24.009, F.A.C. (Due Date; General Provisions), 12-24.010, F.A.C. (General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements), and 12-24.011, F.A.C. (Public Use Forms).

Administrative – Rules 12-28.001, F.A.C. (Scope), 12-28.002, F.A.C. (Definitions), 12-28.003, F.A.C. (Enrollment Procedures), 12-28.004, F.A.C. (Transmitting Funds and Return/Remittance Detail to the Department), 12-28.005, F.A.C. (Means of Communication to Report Payment Information), 12-28.006, F.A.C. (Remittance or Transmission Problems), 12-28.007, F.A.C. (Procedures for Payment), 12-28.008, F.A.C. (Due Date; General Provisions), and 12-28.009, F.A.C. (Distribution of Funds Received by the Department).

Sales and Use Tax – Rules 12A-1.029, F.A.C. (Labels and Other Printed Matter Sold to Manufacturers), 12A-1.036, F.A.C. (Furniture and Storage Warehousemen), 12A-1.040, F.A.C. (Containers and Other Packaging Materials; Gift Wrapping), and 12A-1.075, F.A.C. (Deposits).

Discretionary Sales Surtax – Rules 12A-15.002, F.A.C. (Surtax Brackets), 12A-15.010, F.A.C. (The Sale of Food, Drink, and Tangible Personal Property at Concession Stands), 12A-15.011, F.A.C. (Coin-Operated Amusement and Vending Machines, and Other Devices), and 12A-15.012, F.A.C. (Alcoholic and Malt Beverages).

Secondhand Dealers/Secondary Metals Recyclers – Rule 12A-17.003, F.A.C. (Registration).

Fuel and Pollutants Tax – Rules 12B-5.020, F.A.C. (Definitions; Specific Exemptions), 12B-5.121, F.A.C. (Temporary Licenses Issued Under a Declared Emergency), 12B-5.130, F.A.C. (Refunds), 12B-5.150, F.A.C. (Public Use Forms), and 12B-5.401, F.A.C. (Temporary Pollutant Importer License Issued Under a Declared Emergency).

Fuel and Pollutants Tax – Rules 12B-5.030, F.A.C. (Importers), 12B-5.040, F.A.C. (Carriers), 12B-5.050, F.A.C. (Terminal Suppliers), 12B-5.060, F.A.C. (Wholesalers), 12B-5.070, F.A.C. (Terminal Operators), 12B-5.080, F.A.C. (Exporters), 12B-5.090, F.A.C. (Local Government Users), 12B-5.100, F.A.C. (Mass Transit Systems), 12B-5.110, F.A.C. (Blenders), 12B-5.150, F.A.C. (Public Use Forms), and 12B-5.400, F.A.C. (Producers and Importers of Pollutants).

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please

contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**NOTICE OF RESCHEDULING – The Department of Revenue** announces a public hearing to which all persons are invited.

**DATE AND TIME:** April 28, 2009, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m. A notice of public meeting for the March 24, 2009, meeting of the Governor and Cabinet, was published in the March 13, 2009, (Vol. 35, No. 10, p. 1226), Florida Administrative Weekly.

**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**SUBJECT MATTER TO BE CONSIDERED:** Approval of the proposed amendments to Rule 12B-8.016, F.A.C. (Retaliatory Provisions). A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on December 19, 2008 (Vol. 34, No. 51, pp. 6608-6609), as corrected in the Florida Administrative Weekly on January 23, 2009, (Vol. 35, No. 3, p. 336).

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**NOTICE OF RESCHEDULING – The Department of Revenue** announces a public hearing to which all persons are invited.

**DATE AND TIME:** April 28, 2009, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m. A notice of public meeting for the March 24, 2009, meeting of the Governor and Cabinet, was published in the March 13, 2009, (Vol. 35, No. 10, p. 1226), Florida Administrative Weekly.

**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**SUBJECT MATTER TO BE CONSIDERED:** Approval to publish a Notice of Proposed Rulemaking for Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation).

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800) 955-8770 (Voice) and 1(800)955-8771 (TDD).

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**DEPARTMENT OF TRANSPORTATION**

The **Florida Transportation Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 7, 2009, 9:00 a.m. (EST) – until completion of business

PLACE: Florida Department of Transportation, 605 Suwannee Street, Burns Building, Executive Suite Commission Office, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Teleconference of the Florida Transportation Commission to discuss alternatives for addressing the Santa Rosa Bay Bridge Authority financial issues.

A copy of the agenda may be obtained by contacting: Cathy Goodman at (850)414-4105.

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: Cathy Goodman at (850)414-4105. 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 Transportation Commission, Room 176, MS #9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: April 9, 2009, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building, Suwannee Room, 605 Suwannee St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, 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 48 hours before the workshop/meeting by

contacting: Christine Jones at (850)245-7914. 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 Transportation Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 17, 2009, 1:30 p.m. – until completion of business

PLACE: Florida Department of Transportation, 605 Suwannee Street, Burns Building, Executive Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Transportation Performance Measures Working Group Meeting.

A copy of the agenda may be obtained by contacting: Cathy Goodman at (850)414-4105.

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: Cathy Goodman at (850)414-4105. 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 Transportation Commission, Room 176, MS #9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

The Florida **Department of Transportation**, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: April 20, 2009, 4:30 p.m. – 6:30 p.m.

PLACE: Balis Community Center, 1513 LaSalle Street, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID: 213304-3, otherwise known as the I-95 Overland Bridge Replacement Project. The I-95 Overland Bridge carries both northbound and southbound traffic on I-95 and spans Hendricks Avenue, Kings Avenue, and Montana Avenue in downtown Jacksonville. The project begins 1200 feet south of San Diego Road and ends 200 feet north of Palm Avenue. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 South Marion Avenue, MS #2007, Lake City, Florida 32025-5874.

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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS #2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967, extension 7873. 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).

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#### **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."

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#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: April 6, 2009, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a meeting with the Prehearing Officer and the parties, to discuss scheduling matters leading up to the hearing to be held in the docket. Docket No. 080278-TL.

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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (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: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224.

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#### **REGIONAL PLANNING COUNCILS**

The **West Florida Regional Planning Council** and the **District I Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, April 15, 2009, 10:00 a.m. Prior to that three subcommittees will meet: Resource and Training, 8:30 a.m.; Planning subcommittee and the Exercise and Design subcommittee will combine, 9:00 a.m.

PLACE: Gulf Coast Community College, Student Union East, Room 343, Second Floor, 5230 W. Hwy. 98, Panama City, FL 32401, (850)769-1551

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the LEPC.

A copy of the agenda may be obtained by contacting: Jim Crumlish at (850)332-7976, ext. 215 or 1(800)226-8914 outside the Pensacola area or email: [jim.crumlish@wfrpc.org](mailto:jim.crumlish@wfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Mr. Crumlish (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).

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: John Gallagher, Director, Housing, Homeland Security and Emergency Management at (850)332-7976, ext. 206, 1(800)226-8914, if outside the Pensacola area or email: [john.gallagher@wfrpc.org](mailto:john.gallagher@wfrpc.org).

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The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 20, 2009, 4:00 p.m.; Executive Committee, 3:00 p.m.

PLACE: Niceville City Hall, 208 N. Partin Drive, Niceville FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the Council.

A copy of the agenda may be obtained by contacting: WFRPC at 1(800)266-8914, (850)332-7976 or [www.wfrpc.org](http://www.wfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Mrs. Terry Joseph, Executive Director, WFRPC at email: [terry.joseph@wfrpc.org](mailto:terry.joseph@wfrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mrs. Terry Joseph, Executive Director, WFRPC at email: [terry.joseph@wfrpc.org](mailto:terry.joseph@wfrpc.org).

**WATER MANAGEMENT DISTRICTS**

The **R. O. Ranch Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: April 2, 2009, 6:30 p.m.

PLACE: R. O. Ranch Office, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Directors meeting to discuss the development of equestrian facilities on Suwannee River Water Management District properties.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: April 14, 2009, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business and conduct public hearings on regulatory and land acquisition matters. A workshop will follow the board meeting.

A copy of the agenda may be obtained by contacting: Kristel Callahan at (386)362-1001 or 1(800)226-1066 (Florida Only), by email: KJC@srwmd.org or on the District's website: www.mysuwanneeriver.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 2 business days before the workshop/meeting by contacting: Kristel Callahan at (386)362-1001 or 1(800)226-1066 (Florida Only). 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: Kristel Callahan at (386)362-1001 or 1(800)226-1066 (Florida Only) or by email: KJC@srwmd.org.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

Special Governing Board Meeting

DATE AND TIME: Monday, April 13, 2009, 1:00 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Entry of final order in St. Johns Riverkeeper, Inc., City of Jacksonville and St. Johns County vs. St. Johns River Water Management District and Seminole County; DOAH Case Nos. 08-1313 through 08-1318; SJRWMD F.O.R. No. 2008-33.

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, (386)329-4214, or by visiting the District's website: 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: 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** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 3, 2009, 8:00 a.m.

PLACE: Hyatt Regency Sarasota, 1000 Boulevard of the Arts, Sarasota, FL 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: Peace River/Manasota Regional Water Supply Authority – Regional Water Conservation Policy Summit: Discussion of conservation initiatives. Ad Order 23856.

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: General Services Department, 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: SWFWMD Executive Department at the address above.

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**NOTICE OF CHANGE – The Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 3, 2009, 1:30 p.m.

PLACE: SWFWMD Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL 34240

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Peace River Basin Board Meeting (change in time and location): Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications, and the amendment of the Peace River Basin fiscal year (FY) 2009 budget to include \$324,344 in unanticipated revenue from the State's Water Management Lands Trust Fund (WMLTF) as follows:

- \$231,844 to implement projects in the District's Surface Water Improvement and Management Program. This would include the Coral Creek Habitat Restoration project for \$200,000; Biennial Seagrass Mapping of Tampa Bay, Sarasota Bay and Charlotte Harbor project for \$17,500; and Charlotte Harbor Water Quality Monitoring project for \$14,344; and
- \$92,500 to fund the remaining amount required for the Conceptual Land Use/Recreation Master Plan and Conceptual Natural Resources Management Plan as the final phase of the Lake Hancock Land Use Alternatives Study.

The proposed amendment will result in a \$324,344 increase in the FY2009 budget of the Peace River Basin from \$17,310,392 to \$17,634,736 to reflect the additional revenue from the WMLTF, with no impact on Basin ad valorem taxes. Ad Order 23856.

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: General Services Department, 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).

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For more information, you may contact: SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 8, 2009, 9:00 a.m.

PLACE: Clearwater City Hall, 112 South Osceola Avenue, Clearwater, FL 33756

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Pinellas-Anclote River Basin Board Meeting: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications, and the amendment of the Pinellas-Anclote River Basin fiscal year (FY) 2009 budget to include \$2,568,563 in unanticipated revenue from the State's Water Management Lands Trust Fund (WMLTF) to implement projects in the District's Surface Water Improvement and Management Program. This would include the Clam Bayou Stormwater Treatment and Habitat Restoration project for \$1,000,000; Pinellas Park Implementation of BMPs Homeland/Sawgrass Watershed project for \$800,000; Highland Avenue Retrofit project for \$342,500; Largo Downtown Drainage Ponds project for \$112,500; Lake Tarpon Water Quality Area 63 project for \$121,063; Shore Acres Stormwater Vaults project for \$175,000; and Biennial Seagrass Mapping of Tampa Bay, Sarasota Bay and Charlotte Harbor project for \$17,500. The proposed amendment will result in a \$2,568,563 increase in the FY2009 budget of the Pinellas-Anclote River Basin from \$46,629,429 to \$49,197,992 to reflect the additional revenue from the WMLTF, with no impact on Basin ad valorem taxes.

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: General Services Department, 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: SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 9, 2009, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alafia River Basin Board Meeting: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications, and the amendment of the Alafia River Basin fiscal year (FY) 2009 budget to include \$42,500 in unanticipated revenue from the State's Water Management Lands Trust Fund (WMLTF) to implement projects in the District's Surface Water Improvement and Management Program. This would include the Lost River Preserve Habitat Restoration project for \$25,000; and the Biennial Seagrass Mapping of Tampa Bay, Sarasota Bay and Charlotte Harbor project for \$17,500. The proposed amendment will result in a \$42,500 increase in the FY2009 budget of the Alafia River Basin from \$8,705,445 to \$8,747,945 to reflect the additional revenue from the WMLTF, with no impact on Basin ad valorem taxes. Ad Order 23856.

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: General Services Department, 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: SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 9, 2009, 1:30 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hillsborough River Basin Board Meeting: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications, and the amendment of the Hillsborough River Basin fiscal year (FY) 2009 budget to include \$455,000 in unanticipated revenue from the State's Water Management Lands Trust Fund (WMLTF) to implement projects in the District's Surface Water Improvement and Management Program. This would include the MacDill AFB Ecosystem Restoration project for \$125,000; 30th and Hillsborough Water Quality Improvement project for \$200,000; Robles Park Water Quality and Natural Systems Improvement project for \$112,500; and Biennial Seagrass Mapping of Tampa Bay, Sarasota Bay and Charlotte Harbor project for \$17,500. The proposed amendment will result in a \$455,000 increase in the FY2009 budget of the Hillsborough River Basin from \$20,343,824 to \$20,798,824 to reflect the additional revenue from the WMLTF, with no impact on Basin ad valorem taxes. Ad Order 23856.

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: General Services Department, 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: SWFWMD Executive Department at the address above.

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The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: April 8, 2009, 9:00 a.m. – completed

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth Street, St. Cloud, FL

DATE AND TIME: April 9, 2009, 9:00 a.m. – completed

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth Street, St. Cloud, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation, et al. v. Johnson, et al., United States District Court, Northern District of Florida, Case No. 08-cv-00324-RH-WCS. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt, C. Pettit.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or [www.sfwmd.gov](http://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: 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 private closed door attorney-client session.

DATE AND TIME: April 8, 2009, 9:00 a.m. – completed

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL

DATE AND TIME: April 9, 2009, 9:00 a.m. – completed

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. State of Florida, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50-2008-CA-031975XXXXMB. The subject matter shall

be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members). ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, R. Hanna, C. Lamia, K. Artin, F. Springer, J. Nutt. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: April 8, 2009, 9:00 a.m. – completed

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL

DATE AND TIME: April 9, 2009, 9:00 a.m. – completed

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: April 8, 2009, 9:00 a.m. – completed

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL

DATE AND TIME: April 9, 2009, 9:00 a.m. – completed

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: April 8, 2009, 9:00 a.m. – completed

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL

DATE AND TIME: April 9, 2009, 9:00 a.m. – completed

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members). ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk’s Office at (561)682-2087 or [www.sfwmd.gov](http://www.sfwmd.gov).

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For more information, you may contact: District Clerk’s Office at (561)682-2087.

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The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Audit & Finance Committee Meeting

DATE AND TIME: April 8, 2009, 9:30 a.m.

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL 34769

Workshop

DATE AND TIME: April 8, 2009, 11:00 a.m.

PLACE: SFWMD St. Cloud Field Station, 3800 Old Canoe Creek Road, St. Cloud, FL 34769

GENERAL SUBJECT MATTER TO BE CONSIDERED: St. Cloud Field Station Dedication.

Workshop

DATE AND TIME: April 8, 2009, 1:00 p.m.

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL 34769

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Business Meeting.

DATE AND TIME: April 9, 2009, 9:00 a.m.

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL 34769

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of

the meeting pursuant to Section 120.525, Florida Statutes. If Workshop items are not discussed on April 8, 2009, the items may be discussed on April 9, 2009.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District’s Fiscal Year 2009 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087 or website: [https://my.sfwmd.gov/portal/page?\\_pageid=2574,13014318&\\_dad=portal&\\_schema=PORTAL](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: 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).

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For more information, you may contact: District Clerk’s Office at (561)682-2087.

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The **South Florida Water Management District** announces a hearing to which all persons are invited.

DATE AND TIME: April 9, 2009, 9:00 a.m.

PLACE: St. Cloud City Hall, Council Chambers, 1300 Ninth St., St. Cloud, FL 34769

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of public hearing from March 12, 2009 to adopt amendments to Rules 40E-2.051, 40E-2.061, 40E-2.091, 40E-2.331, 40E-24.011, 40E-24.101, 40E-24.201, 40E-24.301, 40E-24.401, 40E-24.501, 40E-20.091, 40E-20.331, F.A.C., regarding year-round landscape irrigation conservation measures. District staff is proposing to adopt amendments to the landscape irrigation conservation measures currently in place in Lee, Collier and portions of Charlotte County and to expand those conservation measures throughout the region of the South Florida Water Management District. District staff is also proposing to adopt amendments to create a general permit by rule for landscape irrigation use and to allow modification of such a permit that does not allow more cumulative days and time to conduct landscape irrigation than those provided under Chapter 40E-24, F.A.C. Lastly, the District is proposing to adopt amendments to the water conservation measures in the “Basis of Review for Water Use Permit Applications within the



South Florida Water Management District” to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C.

A copy of the agenda may be obtained by contacting: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@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: South Florida Water Management District Clerk at 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).

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: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov.

For procedural issues contact: Jan Sluth, Senior 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 **South Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: April 16, 2009, 10:00 a.m. – 3:00 p.m.

PLACE: Osceola County Commission Chambers, Administration Building, 1 Courthouse Square, Fourth Floor, Kissimmee, FL 34741

DATE AND TIME: May 5, 2009, 10:00 a.m. – 3:00 p.m.

PLACE: Osceola County Commission Chambers, Administration Building, 1 Courthouse Square, Fourth Floor, Kissimmee, FL 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: Additional rule development workshops to amend Rules 40E-2.091, 40E-20.091, 40E-10.011, 40E-10.021, 4-0E-10.031, F.A.C., and new Rule 40E-10.051, F.A.C., to establish a water reservation for the portions of the Kissimmee River (upstream of S-65E), Floodplain and Upper Chain of Lakes, in volumes, locations and seasons of the year as is necessary for the protection of fish and wildlife. The first draft of proposed rule text will be provided at the April 16, 2009 workshop. In addition, the District is working with Osceola County staff to webcast this meeting. If interested in the

webcast, please contact Bill Graf at (407)858-6100, ext. 3837, prior to the meeting date for the web link (if available). Further information on the Kissimmee Water Reservation and its related rulemaking is located on the District’s website: www.sfwmd.gov, click on “Kissimmee” in the left-hand column, then click on “Kissimmee Water Reservation”.

A copy of the agenda may be obtained by contacting: Bridgett Tolley, Community Outreach/Media Specialist, South Florida Water Management District, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809, (407)858-6100, ext. 3806.

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 at 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).

For more information, you may contact: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 4224, 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, email: bross@sfwmd.gov.

For procedural questions contact: Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299, email: jsluth@sfwmd.gov.

## LAND AND WATER ADJUDICATORY COMMISSION

The Florida **Land and Water Adjudicatory Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 14, 2009, 9:00 a.m.

PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of proposed rule amendments to Rule 42BB-1.002, Boundary, F.A.C. Proposed rule amendments to Rule 42BB-1.002, F.A.C., which address the contraction of the boundary of the Fleming Island Plantation Community Development District, were published in the Florida Administrative Weekly on February 13, 2009 (Vol. 35, No. 6).

A copy of the agenda may be obtained by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

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 two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884. 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: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

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#### DEPARTMENT OF ELDER AFFAIRS

The **Long-Term Care Ombudsman Program** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 6, 2009, 9:00 a.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4142163, PIN #: 3742 (This code should be used by the conference call leader only.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Advocacy Committee business.

A copy of the agenda may be obtained by contacting: Aubrey Posey at (850)414-2323.

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: Aubrey Posey at (850)414-2323. 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: Aubrey Posey at (850)414-2323 or by email: poseya@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 7, 2009, 9:30 a.m. (EST)

PLACE: Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southwest District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ann Proie at (239)338-2563.

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: Ann Proie at (239)338-2563. 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: Ann Proie at (239)338-2563 or email: prioed@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 9, 2009, 10:30 a.m. (EST)

PLACE: North Miami Beach Public Library, 1601 N. E. 164th Street, North, North Miami Beach, FL 33162

GENERAL SUBJECT MATTER TO BE CONSIDERED: North Dade District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ramon Keppis at (786)336-1418.

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: Ramon Keppis at (786)336-1418. 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: Ramon Keppis at (786)336-1418, or by email at keppisra@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 9, 2009, 12:00 Noon – 2:45 p.m. (EST)

PLACE: Mayor William Beardall Senior Center, 800 South Delaney Avenue, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: East Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Lashea Heidelberg at (407)228-7752.

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: Lashea Heidelberg at (407)228-7752. 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: Lashea Heidelberg at (407)228-7752 or email: heidelbergl@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 9, 2009, 2:00 p.m. (EST)

PLACE: Rath Senior CoNEXTions & Education Center, 1350 E. Main Street, Ste. 200, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Tresa Johnston at (863)413-2764.

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: Tresa Johnston at (863)413-2764. 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: Tresa Johnston at (863)413-2764 or email: johnstont@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 13, 2009, 10:00 a.m. (EST)

PLACE: 3501 Kirby Loop Road, Ft. Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: Treasure Coast District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Nancy Schoemig at (772)595-1385.

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: Nancy Schoemig at (772)595-1385. 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: Nancy Schoemig at (772)595-1385 or email: schoemign@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 14, 2009, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: Elder Source, 4160 Woodcock Drive, Bldg. 2800, 2nd Floor, Jacksonville, FL 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Michael Milliken at (904)391-3942.

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: Michael Milliken at (904)391-3942. 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: Michael Milliken at (904)391-3942 or email: millikenm@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 14, 2009, 1:00 p.m. (EST)

PLACE: 1400 West Commercial Blvd., 2nd Floor, Ft. Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: Broward District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Susan Nix at (954)474-7919.

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: Susan Nix at (954)474-7919. 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: Susan Nix at (954)474-7919 or email: nixs@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 15, 2009, 10:00 a.m. (EST)

PLACE: Julie's Place, 2901 North Monroe Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Panhandle District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Janice Harvey at (850)921-4703.

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: Janice Harvey at (850)921-4703. 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: Janice Harvey at (850)921-4703 or e-mail: harveyj@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 15, 2009, 1:00 p.m. (EST)

PLACE: 210 North Palmetto Ave., Room 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast South District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Claudia Dinardo at (386)226-7846.

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: Claudia Dinardo at (386)226-7846. 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: Claudia Dinardo at (386)226-7846 or email: dinardoc@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 16, 2009, 10:00 a.m. (EST)

PLACE: Regency Park Library, Meeting Room, 9701 Little Road, New Port Richey, FL 34654

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pasco and North Pinellas District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Susan Strothers or Lynn Penley at (813)558-5591.

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: Susan Strothers or Lynn Penley at (813)558-5591. 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: Susan Strothers or Lynn Penley, (813)558-5591 or email: strothers@elderaffairs.org; penleyl@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 16, 2009, 12:30 p.m. (EST)

PLACE: Haven Hospice, 4200 N. W. 90th Blvd., Gainesville, FL 32606

GENERAL SUBJECT MATTER TO BE CONSIDERED: North Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ryan Miller at (352)955-5015.

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: Ryan Miller at (352)955-5015. 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: Ryan Miller at (352)955-5015 or email: millerr@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 16, 2009, 1:00 p.m. (EST)

PLACE: 11351 Ulmerton Rd., Ste. 303, Largo, FL 33778

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mid and South Pinellas District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Natalie Clanzy at (727)588-6912.

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: Natalie Clanzy at (727)588-6912. 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 Clanzy at (727)588-6912 or email: clanzyn@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 2009, 11:00 a.m. (EST)

PLACE: 111 South Sapodilla Ave., Room #113B, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Palm Beach District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Allen Jaggard at (561)837-5038.

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: Allen Jaggard at (561)837-5038. 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: Allen Jaggard at (561)837-5038 or email: jaggarda@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 21, 2009, 8:30 a.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4142163, PIN #: 3742 (This code should be used by the conference call leader only.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Advocacy Committee business.

A copy of the agenda may be obtained by contacting: Aubrey Posey at (850)414-2323.

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: Aubrey Posey at (850)414-2323. 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: Aubrey Posey at (850)414-2323 or email: poseya@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2009, 10:00 a.m. (EST)

PLACE: First Presbyterian Church of Brandon, 121 Carver Ave., Room D, Brandon, FL 33510

GENERAL SUBJECT MATTER TO BE CONSIDERED: West Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Robin Baker at (813)558-5591.

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: Robin Baker at (813)558-5591. 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: Robin Baker at 1(813)558-5591, or by email at: baker@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2009, 12:30 p.m. (EST)

PLACE: Kendall United Methodist Church, 7600 S. W. 104th Street, Miami, FL 33176

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Dade and the Florida Keys District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Sara Celis or Rachel Ponce at (305)671-7245.

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: Sara Celis or Rachel Ponce at (305)671-7245. 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: Sara Celis or Rachel Ponce at (305)671-7245 or email: celiss@elderaffairs.org, poncer@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 30, 2009, 9:30 a.m. – 12:00 Noon (CST)

PLACE: 1101 Gulf Breeze Parkway, Gulf Breeze, FL 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: Northwest District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Michael Phillips at (850)916-6720.

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: Michael Phillips at (850)916-6720. 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: Michael Phillips at (850)916-6720 or email: phillipsm@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: April 30, 2009, 10:00 a.m. (EST)  
PLACE: Lake Panasoffkee Parks and Recreation Community Center, 1582 County Road 459, Lake Panasoffkee, FL 33538  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Withlacoochee District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Marilyn Anderson at (352)620-3088.

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: Marilyn Anderson at (352)620-3088. 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: Marilyn Anderson at (352)620-3088, or email: andersonm@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 5, 2009, 9:30 a.m. (EST)  
PLACE: Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southwest District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ann Proie at (239)338-2563.

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: Ann Proie at (239)338-2563. 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: Ann Proie at (239)338-2563 or email: prioed@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 7, 2009, 9:00 a.m. – 12:00 Noon (EST)  
PLACE: Embassy Suites Hotel, 225 Shorecrest Drive, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Executive Committee Business.

A copy of the agenda may be obtained by contacting: Betty Camblor at (727) 518-3913.

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: Betty Camblor at (727)518-3913. 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: Betty Camblor at (727) 518-3913 or email: camblorbj@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 7, 2009, 1:00 p.m. – 5:00 p.m. (EST)  
PLACE: Embassy Suites Hotel, 225 Shorecrest Drive, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Advocacy Committee business.

A copy of the agenda may be obtained by contacting: Aubrey Posey at (850)414-2323.

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: Aubrey Posey at (850)414-2323. 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: Aubrey Posey at (850)414-2323 or email: poseya@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 7, 2009, 1:00 p.m. – 5:00 p.m. (EST)  
PLACE: Embassy Suites Hotel, 225 Shorecrest Drive, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Data and Information Committee business.

A copy of the agenda may be obtained by contacting: Priscilla Zachary at (850)414-2323.

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: Priscilla Zachary at (850)414-2323. 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: Priscilla Zachary at (850)414-2323 or email: zacharypa@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 7, 2009, 1:00 p.m. – 5:00 p.m. (EST)

PLACE: Embassy Suites Hotel, 225 Shorecrest Drive, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Training Committee business.

A copy of the agenda may be obtained by contacting: Betty Camblor at (727)518-3913.

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: Betty Camblor at (727)518-3913. 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: Betty Camblor at (727)518-3913 or email: camblorbj@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 8, 2009, 8:00 a.m. – 12:30 p.m. (EST)

PLACE: Embassy Suites Hotel, 225 Shorecrest Drive, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Quarterly State Council business.

A copy of the agenda may be obtained by contacting: Rachel Bailey at (850)414-2323.

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: Rachel Bailey at (850)414-2323. 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: Rachel Bailey at (850)414-2323 or email: baileyr@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 8, 2009, 10:00 a.m. (EST)

PLACE: First Presbyterian Church of Brandon, 121 Carver Ave., Room D, Brandon, FL 33510

GENERAL SUBJECT MATTER TO BE CONSIDERED: West Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Robin Baker at (813)558-5591.

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: Robin Baker at (813)558-5591. 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: Robin Baker at (813)558-5591 or email: baker@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 11, 2009, 10:00 a.m. (EST)

PLACE: 3501 Kirby Loop Road, Ft. Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: Treasure Coast District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Nancy Schoemig at (772)595-1385.

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: Nancy Schoemig at (772)595-1385. 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: Nancy Schoemig at (772)595-1385 or email: schoemign@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 12, 2009, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: Elder Source, 4160 Woodcock Drive, Bldg. 2800, 2nd Floor, Jacksonville, FL 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Michael Milliken at (904)391-3942.

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: Michael Milliken at (904)391-3942. 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: Michael Milliken at (904)391-3942 or email: millikenm@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 12, 2009, 1:00 p.m. (EST)

PLACE: 1400 West Commercial Blvd., 2nd Floor, Ft. Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: Broward District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Susan Nix at (954)474-7919.

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 hours before the workshop/meeting by contacting: Susan Nix at (954)474-7919. 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: Susan Nix at (954)474-7919 or email: nixs@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 13, 2009, 1:00 p.m. (EST)

PLACE: 210 North Palmetto Ave., Room 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast South District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Claudia Dinardo at (386)226-7846.

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: Claudia Dinardo at (386)226-7846. 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: Claudia Dinardo at (386)226-7846 or email: dinardoc@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 14, 2009, 10:30 a.m. (EST)

PLACE: North Miami Beach Public Library, 1601 N. E. 164th Street, North, North Miami Beach, FL 33162

GENERAL SUBJECT MATTER TO BE CONSIDERED: North Dade District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ramon Keppis at (786)336-1418.

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: Ramon Keppis at (786)336-1418. 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: Ramon Keppis at (786)336-1418 or email: keppisra@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 14, 2009, 12:00 Noon – 2:45 p.m. (EST)

PLACE: Mayor William Beardall Senior Center, 800 South Delaney Avenue, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: East Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Lashea Heidelberg at (407)228-7752.

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: Lashea Heidelberg at (407)228-7752. 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: Lashea Heidelberg at (407)228-7752 or email: heidelbergl@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 14, 2009, 2:00 p.m. (EST)

PLACE: Rath Senior CoNEXTions & Education Center, 1350 E. Main Street, Ste. 200, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Tresa Johnston at (863)413-2764.



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 hours before the workshop/meeting by contacting: Tresa Johnston at (863)413-2764. 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: Tresa Johnston at (863)413-2764 or email: johnstont@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 18, 2009, 11:00 a.m. (EST)

PLACE: 111 South Sapodilla Ave., Room #113B, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Palm Beach District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Allen Jaggard at (561)837-5038.

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: Allen Jaggard at (561)837-5038. 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: Allen Jaggard at (561)837-5038 or email: jaggarda@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 19, 2009, 12:30 p.m. (EST)

PLACE: Kendall United Methodist Church, 7600 S. W. 104th Street, Miami, FL 33176

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Dade and the Florida Keys District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Sara Celis or Rachel Ponce at (305)671-7245.

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: Sara Celis or Rachel Ponce at (305)671-7245. 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: Sara Celis or Rachel Ponce at (305)671-7245, email: celiss@elderaffairs.org, poncer@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 20, 2009, 9:30 a.m. (EST)

PLACE: Department of Environmental Protection, 3800 Commonwealth Blvd., Room 101, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Panhandle District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Janice Harvey at (850)921-4703.

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: Janice Harvey at (850)921-4703. 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: Janice Harvey at (850)921-4703 or e-mail: harveyj@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 21, 2009, 10:00 a.m. (EST)

PLACE: Regency Park Library, Meeting Room, 9701 Little Road, New Port Richey, FL 34654

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pasco and North Pinellas District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Susan Strothers or Lynn Penley at (813)558-5591.

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: Susan Strothers or Lynn Penley at (813)558-5591. 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: Susan Strothers or Lynn Penley, (813)558-5591 or email: strothers@elderaffairs.org; penleyl@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 21, 2009, 12:30 p.m. (EST)

PLACE: Haven Hospice, 4200 N. W., 90th Blvd., Gainesville, FL 32606

GENERAL SUBJECT MATTER TO BE CONSIDERED: North Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ryan Miller at (352)955-5015.

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: Ryan Miller at (352)955-5015. 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: Ryan Miller at (352)955-5015 or email: millerr@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 21, 2009, 1:00 p.m. (EST)

PLACE: Olive Garden, 10500 Ulmerton Road, Largo, FL 33771

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mid and South Pinellas District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Natalie Clanzly at (727)588-6912.

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: Natalie Clanzly at (727)588-6912. 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 Clanzly at (727)588-6912 or email: clanzyn@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 2009, 9:30 a.m. – 12:00 Noon (CST)

PLACE: 1101 Gulf Breeze Parkway, Gulf Breeze, FL 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: Northwest District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Michael Phillips at (850)916-6720.

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: Michael Phillips at (850)916-6720. 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: Michael Phillips at (850)916-6720 or email: phillipsm@elderaffairs.org.

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The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 2009, 10:00 a.m. (EST)

PLACE: Lake Panasoffkee Parks and Recreation Community Center, 1582 County Road 459, Lake Panasoffkee, FL 33538

GENERAL SUBJECT MATTER TO BE CONSIDERED: Withlacoochee District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Marilyn Anderson at (352)620-3088.

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: Marilyn Anderson at (352)620-3088. 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: Marilyn Anderson at (352)620-3088 or email: andersonm@elderaffairs.org.

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration**, on behalf of the Florida Health Choices Corporation Board announces a public meeting to which all persons are invited.

DATE AND TIME: April 3, 2009, 11:00 a.m. – 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The bylaws sub-committee will discuss bylaws for the Florida Health Choices Corporation.

A copy of the agenda may be obtained by contacting: Elizabeth Tull or Carol Barr Platt, Bureau of Managed Health Care at (850)487-0640.

For more information, you may contact: Elizabeth Tull or Carol Barr Platt, Bureau of Managed Health Care at (850)487-0640.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services**, Florida Region 9, 700 MHz Committee meeting announces a public meeting to which all persons are invited.

DATE AND TIME: April 14, 2009, 9:00 a.m.

PLACE: Lake County Sheriff's Institute of Public Safety, 1565 Lane Park Cutoff Road, Tavares, Florida (The Room location will be posted at the Conference Center)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Florida Region 9, 700 MHz Committee (FCC Region 9) agenda. A formal agenda will be provided on the day of the meeting. All committee members and public safety agencies, including state, municipality, county, Native American Tribal, and non-governmental organizations eligible under Section 90.523 of the Commission's rules, are invited to attend this session.

A copy of the agenda may be obtained by contacting: Ray Carlson, Chariman, Florida Region 9 Planning Committee, 3228 Gun Club Road, West Palm Beach, Florida 33406, (561)688-3514 or E-mail: carlsonr@pbso.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 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).

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The **Department of Management Services**, Florida Region 9, 800 MHz Committee meeting announces a public meeting to which all persons are invited.

DATE AND TIME: April 14, 2009, 1:30 p.m.

PLACE: Lake County Sheriff's Institute of Public Safety, 1565 Lane Park Cutoff Road, Tavares, Florida (The Room location will be posted at the Conference Center)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Florida Region 9, 800 MHz Committee (FCC Region 9) agenda. A formal agenda will be provided on the day of the meeting. All committee members and public safety agencies, including state, municipality, county, Native American Tribal, and non-governmental organizations eligible under Section 90.523 of the Commission's rules are invited to attend this session.

A copy of the agenda may be obtained by contacting: Ray Carlson, Chairman, Florida Region 9 Planning Committee, 3228 Gun Club Road, West Palm Beach, Florida 33406, (561)688-3514 or E-mail: carlsonr@pbso.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 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).

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, April 7, 2009, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call: 1(888)808-6959, Conference Code: 4879516

GENERAL SUBJECT MATTER TO BE CONSIDERED: Exams/CE/Public Awareness committee meeting of the board, to include the review of continuing education providers and courses.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701. 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

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The **Board of Professional Surveyors and Mappers** announces a public meeting to which all persons are invited.

DATE AND TIME: April 7, 2009, 1:00 p.m., Probable Cause Panel Reconsiderations

PLACE: Gaylord Palms Resort & Convention Center, 6000 West Osceola Parkway, Kissimmee, FL 34746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration of Case #2007-047442 – 2007-047454.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, 1940 North 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 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399. 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: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399.

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

DATE AND TIME: Monday, April 20, 2009, 2:00 p.m. or soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 W. Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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

DATES AND TIME: Tuesday and Wednesday, April 21-22, 2009, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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#### 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."

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: April 24, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Lemon Bay Park, 570 Bay Park Boulevard, Englewood, FL 34223

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Council Business for administering the Myakka River as a Wild and Scenic River.

A copy of the agenda may be obtained by contacting: Natalie Balcer at (941)486-2052 or email: [Natalie.Balcer@dep.state.fl.us](mailto:Natalie.Balcer@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 48 hours before the workshop/meeting by contacting: Natalie Balcer at (941)486-2052 or email:

Natalie.Balcer@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).

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: Natalie Balcer at (941)486-2052 or email: Natalie.Balcer@dep.state.fl.us.

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The **Department of Environmental Protection** announces a hearing to which all persons are invited.

DATE AND TIME: May 13, 2009, 2:00 p.m.

PLACE: Bob Martinez Center, 2600 Blair Stone Road, Room 611, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and take final action on management of the FY 2009 Clean Water State Revolving Fund (CWSRF) priority list for water pollution control loan projects under Chapter 62-503, Florida Administrative Code (F.A.C.), and management of the Financially Disadvantaged Small Community Grants and Small Community Wastewater Facilities Grants priority lists under Chapter 62-505, F.A.C.

New requests for construction loans may be added to the fundable portion of the FY 2009 Water Pollution Control priority list for use of American Recovery and Reinvestment Act (ARRA) funds.

Eligible grant amounts may be adjusted for projects already listed on the FY 2006 Financially Disadvantaged Small Community Grants priority list or on the FY 2007/2008 Small Community Wastewater Facilities Grants priority lists that remain incompletely funded or which are otherwise affected by assignment of ARRA funds to these projects.

To be eligible for use of ARRA or CWSRF funds at this hearing, all documents as required by the rules must be filed and approved by the Department not later than 5:00 p.m., April 29, 2009.

Project sponsors requesting use of ARRA funds must certify that all construction contracts will be awarded by October 1, 2009. Loan agreements to project sponsors not meeting this deadline may be annulled and the funds awarded to other sponsors to allow for timely expenditure of the funds.

Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the lists and any proposed actions. The Department may adopt, modify, or deny the proposed actions at the hearing.

After the hearing, the Department will file the written Record of Final Agency Action. A copy of the Record of Final Agency Action will be made available to persons sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Bureau of Water

Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing.

A copy of the agenda may be obtained by contacting: Gary Powell at the same address, phone (850)245-8358 or email gary.powell@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: Gary Powell at the same address as shown 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: Tim Banks at the same address as shown above, or phone (850)245-8358 or e-mail: tim.banks@dep.state.fl.us.

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## DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, April 13, 2009, 1:00 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida at Meet Me Number: 1(888)808-6959, Conference Code: 9849329103

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

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.

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The **Department of Health**, Dental Lab Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 21, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2453454

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

A copy of the agenda may be obtained by contacting: Sarah Walls at (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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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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: Thursday, April 16, 2009, 2:30 p.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454590

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: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

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

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

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The **Board Podiatric Medicine**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 16, 2009, 4:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

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.

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The **Board of Podiatric Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 17, 2009, 9:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or accessing: [www.doh.state.fl.us/mqa/podiatry/index.html](http://www.doh.state.fl.us/mqa/podiatry/index.html).

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.

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The **Council of Licensed Midwifery** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 10, 2009, 1:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454594

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Council.

A copy of the agenda may be obtained by contacting: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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: Council of Licensed Midwifery at (850)245-4161.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**NOTICE OF CORRECTION – The Board of Athletic Training** announces a public meeting to which all persons are invited.

DATE AND TIME: April 17, 2009, 9:00 a.m.

PLACE: **\*\*CORRECTION OF LOCATION\*\*** Radisson Worldgate Resort Orlando, 3011 Maingate Lane, Kissimmee, FL 34747, (407)396-1400

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.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: April 15, 2009, 2:30 p.m.

PLACE: United Way of Central Florida, 5605 US Hwy. 98 S., Highland City, FL 33846

GENERAL SUBJECT MATTER TO BE CONSIDERED: Heart of Florida Community Alliance Meeting.

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.

#### **FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: April 8, 2009, 1:30 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301. The meeting will be accessible via phone: 1(888)808-6959, Conference Code: 1374197

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments and suggestions from interested persons relative to the methodology to be used regarding the implementation of the American Recovery and Reinvestment Act.

A copy of the agenda may be obtained by contacting: Blake Carson-Poston or viewing the FHFC website.

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 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 TIME: April 15-16, 2009, 8:30 a.m. each day

PLACE: Tallahassee-Leon County Civic Center, 505 West Pensacola Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the agenda may be obtained by contacting: Kathleen Hampton, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

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: Mr. Jim Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FLORIDA TELECOMMUNICATIONS RELAY, INC.**

The **Florida Telecommunications Relay, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 27, 2009, 1:00 p.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

A copy of the agenda may be obtained by contacting: Mr. James Forstall, Executive Director, Florida Telecommunications Relay, Inc., 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301.

**GOVERNOR’S COMMISSION ON DISABILITIES**

The **Governor’s Commission on Disabilities**, Health Care Committee’s Education Subcommittee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, April 1, 2009, 9:00 a.m. – 12:00 Noon

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399. Conference Call: 1(888)808-6959, Conference Code: 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the

Commissioners. If you need assistance in converting files to alternative formats, please send them to website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.com).

The **Governor’s Commission on Disabilities**, Health Care Committee’s Long Term Health Care Subcommittee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, April 1, 2009, 2:00 p.m. – 5:00 p.m.

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399. Conference Call: 1(888)808-6959, Conference Code: 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.com)

The **Governor’s Commission on Disabilities**, Health Care Committee’s Behavioral Health Care Subcommittee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, April 2, 2009, 9:00 a.m. – 12:00 Noon

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399. Conference Call: 1(888)808-6959, Conference Code: 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.com).

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The **Governor's Commission on Disabilities**, Health Care Committee's Access Health Care Subcommittee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, April 2, 2009, 2:00 p.m. – 5:00 p.m.

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399. Conference Call: 1(888)808-6959, Conference Code: 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to website: [www.commission@dms.myflorida.com](http://www.commission@dms.myflorida.com).

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#### **TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY**

The Conceptual Design/Infrastructure Committee of the **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 2, 2009, 12:30 p.m.

PLACE: Conference Room 113, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of the March 19, 2009 meeting and such other business as the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Authority ("Authority") at (772)467-3107.

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: Authority at (772)467-3107. 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.

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The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 2, 2009, 2:00 p.m.

PLACE: Conference Room 219 West, University of Florida, Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of the March 19, 2009 meeting, committee reports and such other business as the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting: The Treasure Coast Education, Research and Development Authority ("Authority") at (772)467-3107.

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: Authority at (772)467-3107. 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 **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 7, 2009, 2:00 p.m.

PLACE: Conference Room 219 West, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of the April 2, 2009 meeting and such other business that the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting: The Treasure Coast Education, Research and Development Authority ("Authority") at (772)467-3107.

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: Authority at (772)467-3107. 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.

**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 Teleconference

DATE AND TIME: Thursday, April 2, 2009, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Planning Committee Teleconference

DATE AND TIME: April 9, 2009, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Evaluation Committee Teleconference

DATE AND TIME: Thursday, April 9, 2009, 2:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Finance Committee Teleconference

DATE AND TIME: Thursday, April 16, 2009, 1:30 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Executive Committee Teleconference

DATE AND TIME: Thursday, April 23, 2009, 3:00 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: BY-LAWS Taskforce

DATE AND TIME: Thursday, April 30, 2009, 2:00 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: BY-LAWS Taskforce

DATE AND TIME: Thursday, May, 7, 2009, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Planning Committee Teleconference

DATE AND TIME: Thursday, May 14, 2009, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Evaluation Committee Teleconference

DATE AND TIME: Thursday, May 14, 2009, 2:30 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Finance Committee Teleconference

DATE AND TIME: Thursday, May 21, 2009, 1:30 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Executive Committee Teleconference

DATE AND TIME: Thursday, May 28, 2009, 3:00 p.m.

PLACE: FILC, Inc., 1416 N. Adams Street, Tallahassee, Florida 32303

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, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or Toll Free 1(877)822-1993.

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 PATIENT SAFETY CORPORATION**

The **Florida Patient Safety Corporation** announces a telephone conference call to which all persons are invited.

DATES AND TIME: Thursday, April 2, 2009; Thursday, April 16, 2009; Monday, April 27, 2009, 2:30 p.m. – 3:30 p.m.

PLACE: To participate in the call, please dial: 1(866)200-9760, PIN: 8938936#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Bylaws Committee will meet to draft a transition plan for a restructured board of directors.

A copy of the agenda may be obtained by contacting: Susan Moore, CEO at susan.a.moore@comcast.net.

For more information, you may contact: Susan Moore, CEO at susan.a.moore@comcast.net.

The **Florida Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: June 4, 2009, 10:00 a.m.

PLACE: 420 South Orange Avenue, Suite 1200, Orlando, Florida. To participate by phone, please dial: 1(877)434-2293, Passcode: 8504252684

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the governing Board of Directors.

A copy of the agenda may be obtained by contacting: Susan Moore, CEO at susan.a.moore@comcast.net.

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: Susan Moore, CEO at susan.a.moore@comcast.net. 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: Susan Moore, CEO at susan.a.moore@comcast.net.

The **Florida Patient Safety Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, May 7, 2009, 10:00 a.m.

PLACE: Conference Call: 1(866)200-9760, PIN: 8938936#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Executive Committee.

A copy of the agenda may be obtained by contacting: Susan Moore, CEO at susan.a.moore@comcast.net.

For more information, you may contact: Susan Moore, CEO at susan.a.moore@comcast.net.

#### **CITIZENS PROPERTY INSURANCE CORPORATION**

The **Citizens Property Insurance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: April 2, 2009, 4:00 p.m.

PLACE: Ft. Lauderdale at the Sheraton Ft. Lauderdale Airport Hotel, Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Investment Committee Meeting. Items of discussion include, but are not limited to, Update of 2009 Liquidity Program and Overview of Investment Portfolio.

For additional information, please call: Jill Booker at 1(800)807-7647, extension 8287.

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.

#### **CLAY SOIL AND WATER CONSERVATION DISTRICT**

The **Clay Soil and Water Conservation District**, the Board announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 6, 2009, 1:00 p.m.

PLACE: Clay County Extension Office, 2463 State Road 16 West, Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting.

A copy of the agenda and for more information, you may contact: S. Pipkins, P. O. Box 278, Green Cove Springs, FL 32043.

#### **POLK COMMUNITY COLLEGE**

The **Polk Community College**, Kenneth C. Thompson Institute of Public Safety announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 9, 2009, 2:00 p.m.

PLACE: South Florida Community College, 107 West College Drive, Building DD, Room 201, Avon Park, FL 33825

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Review/Discuss/Approve By-Laws
2. Old Business
3. New Business
  - a. Region 8 Course Offerings
4. Training Issues
5. Other Issues
6. Adjournment

A copy of the agenda may be obtained by contacting: Polk Community College, Kenneth C. Thompson Institute of Public Safety, Captain Craig C. Smith, 999 Avenue H, N. E., Station #9, Winter Haven, FL 33881.

#### **FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION**

The **Florida Local Government Finance Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 10, 2009, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Commission will be for the purposes of reviewing the statewide pooled commercial paper loan program for Florida governmental entities. The Commission is

an unincorporated, nonprofit association whose members are comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

A copy of the agenda may be obtained by contacting: Elizabeth Newberry, Florida Association of Counties, 100 South Monroe Street, Tallahassee, Florida 32301.

**FLORIDA CLERKS OF COURT OPERATIONS CORPORATION**

The Florida Clerks of Court Operations Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 13, 2009, 1:00 p.m. (EST)

PLACE: Plaza C, Peabody Hotel, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and other related issues.

A copy of the agenda may be obtained by contacting: www.flccoc.org or (850)386-2223.

**FLORIDA ASSOCIATION OF COURT CLERKS**

The Florida Local Government Investment Trust announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 16, 2009, 10:30 a.m. – 12:00 Noon

PLACE: Peabody Orlando Hotel, 9801 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Trust Board/Investment Advisory Board Issues.

A copy of the agenda may be obtained by contacting: Michelle Kimbler at (850)577-4606.

**FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

The Florida Workers' Compensation Joint Underwriting Association, Inc., Audit Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 27, 2009, 1:00 p.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 the 2008 Financial Audit; Audit Committee Charter procedures checklist; update on federal tax matters; and 2009 Audit Committee meeting schedule.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the Florida Workers' Compensation Joint Underwriting Association, Inc. website: www.fwcjua.com.

The Florida Workers' Compensation Joint Underwriting Association, Inc., Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 27, 2009, 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 approval of minutes; investment marketplace update; review of investment policy; compliance review of the current investment portfolio; review of policy and guidelines for the investment of assets and associated matters; investment manager's performance/selection; and 2009 Investment Committee meeting schedule.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the Florida Workers' Compensation Joint Underwriting Association, Inc. website: www.fwcjua.com.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF REVENUE**

NOTICE IS HEREBY GIVEN THAT the Florida Department of Revenue has issued an order disposing of the petition for declaratory statement filed by Four Star Homes, Inc., on June 10, 2008. The following is a summary of the agency's disposition of the petition:

The Department granted the petition and responded that when Petitioner brokers the sale of a mobile home, no sales tax is due on the separately stated charges or fees for the items described in the petition.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Nancy Purvis, Agency Clerk, Department of Revenue, Office of General Counsel, Post Office Box 6668, Tallahassee, FL 32314-6668, (850)488-0712.

Please refer all comments to: Tom Butscher, Assistant General Counsel, Department of Revenue at e-mail: butschet@dor.state.fl.us.

**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 Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Karen Best, Petitioner/Unit Owner, In Re: The Preserve at the Savannahs Condominium Association, Inc., Docket No. 2009012097 on March 9, 2009. The petition seeks the agency's opinion as to the applicability of the declaration of condominium. as it applies to the petitioner.

Whether a director, officer or agent of a corporate owner is eligible to serve on the Preserve at the Savannahs Condominium Association, Inc. board under the declaration of condominium.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Leonardo Gomez, Petitioner, In Re: Galenus Complex Condominium Association, Inc., Docket No. 2009012251, on March 9, 2009. The petition seeks the agency's opinion as to the applicability of Section 718.301(1)(a), Florida Statutes, as it applies to the petitioner.

Whether the developer of Galenus Complex Condominium is required to turnover control of the association to the non-developer unit owners under Section 718.301(1)(a), Florida Statutes, where two units were conveyed as a gift to a family member of the president of the corporate developer.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Rick and Christine H. Irizarry, Petitioners/Unit Owners, In Re: Laguna Pointe Condominium Association, Inc., Docket No. 2009003292 on January 16, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division does not have authority over events that have already occurred; nor does it have authority to interpret and enforce ambiguous provisions in the governing documents; or where authority over disputes lies within the jurisdiction of the courts; or where there are owners who will be affected by the decision are not parties to the petition.

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 Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Rick and Christine H. Irizarry, Petitioners/Unit Owners, In Re: Laguna Pointe Condominium Association, Inc., Docket No. 2009006251 on February 3, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division does not have authority over events that have already occurred; nor does it have authority to interpret and enforce ambiguous provisions in the governing documents; or where authority over disputes lies within the jurisdiction of the courts; or where there are owners who will be affected by the decision are not parties to the petition.

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 Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Rick and Christine Irizarry, Petitioners/Unit Owners, In Re: Laguna Pointe Condominium Association, Inc., Docket No. 2009000291 on December 15, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division does not have authority over events that have already occurred; nor does it have authority to interpret and enforce ambiguous provisions in the governing documents; or where authority over disputes lies within the jurisdiction of the courts; or where there are owners who will be affected by the decision are not parties to the petition.

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 Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Peter Trapani, Petitioner/Unit Owner, In Re: Whitehall Condominiums of Pine Island Ridge II Association, Inc., Docket No. 2009012218 on March 6, 2009. The petition seeks the agency's opinion as to the applicability of Section 718.111(12)(c)1., Florida Statutes (2008). as it applies to the petitioner.

Whether the association may assess to the unit owner the cost of its attorney's time to review and redact attorney client privileged information from the attorney's invoices, which are association official records, under Section 718.111(12)(c)1., Florida Statutes (2008).

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Paul L. Wean, Esq., attorney for Wekiva Hunt Club Condominium Association, Inc., Docket No. 2009004481 on January 22, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Petitioner withdrew his Petition for Declaratory Statement.

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 Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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#### **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."

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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on March 11, 2009, the Board of Medicine issued a Final Order on the petition for declaratory statement filed on behalf of Yvonne Smallwood Sherrer, M.D. The Notice of the Petition was published in Vol. 35, No. 3, of the January 23, 2009, Florida Administrative Weekly. The Board reviewed the Petition at its meeting held on February 7, 2009. The Board's Final Order finds that under the circumstances outlined in the Petition and given the range of duties medical assistants are permitted to perform under Section 458.3485(2), Florida Statutes, medical assistants may perform IV infusion therapy as long as it is performed under the direct supervision and responsibility of a Florida licensed physician that is always present in the office whenever a medical assistant is providing the therapy to a patient.

A copy of the Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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NOTICE IS HEREBY GIVEN THAT the Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services has issued an order disposing of the petition for declaratory statement filed by Florida Hospital Association on December 12, 2008. The following is a summary of the agency's disposition of the petition:

The petition was granted and the Final Order provides the answers to the four questions regarding the permissibility of various interfacility transfer scenarios as they apply to both resident and non-resident patients of a licensee possessing a COPCN: 1. Transfer between two counties by a licensee possessing a COPCN from only one of the counties if the other county does not prohibit such transfer or transport is permissible. 2. Transfer or transport by a licensee through, but not to or from, one or more counties is permissible. 3. Transfer or transport by a licensee as part of a coordinated response to a disaster or mass casualty incident is permissible under one of three circumstances: the transfer or transport is to or from a county for which the licensee has a COPCN; the particular permitted vehicle is rotary winged and there is an applicable Mutual Aid Agreement; or the incident generating the transfer or transport falls under Section 401.33(2), F.S. 4. Transfer or transport by a licensee under an agreement sanctioned by the governing bodies of the affected counties is permissible under one of three circumstances: the transfer or transport is to or from a county for which the licensee has a COPCN; the particular permitted vehicle is rotary winged; or the incident generating the transfer falls under Section 401.33(2), F.S.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Fax: (850)488-9408, Lisa\_Walker2@doh.state.fl.us.

#### DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Cold Fire Law Enforcement Florida LLC., on or about March 3, 2009. The petition seeks the agency's opinion as to the applicability of Section 633.061, F.S. as it applies to the petitioner.

Cold Fire Law Enforcement of Florida LLC., does not install, inspect or repair any fire extinguishers. They only sell Cold Fire. Their product is designed to augment the systems already in use by the departments and does not replace them. It is simply another tool used by first responders that will aid them in gaining valuable time should the product be needed. Sumter County Fire Rescue interprets the State Statutes as Cold Fire Law Enforcement of Florida LLC needing a dealer's vendor license. Sumter County oversees many counties and is preventing Cold Fire Law Enforcement from moving forward at this time until they have clarification. Cold Fire Law Enforcement of Florida LLC does not maintain, repair, inspect or install any fire extinguishers. Their product is NFPA and UL approved and tested to be used as is.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax:

(850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request: Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from William Jolley on or about March 4, 2009. The petition seeks the agency's opinion as to the applicability of Florida Fire Prevention Code Section 31.3.4.3.5.1 and 4.6.12.2. as it applies to the petitioner.

The first section cited above refers to existing buildings 4 stories or less as not being required to have an alarm system monitored. The second section cited above states if it is monitored under new then it always has to be monitored. Once the building has its final CO, and when our inspectors go to perform an annual inspection, it is now an existing building. We are concerned that there is conflicting language in the code and are unsure of which way to go. Question 1. If existing apartment buildings 4 stories or less are not required to have the alarm system monitored, do we require new buildings to be monitored? And if so, when the next annual inspection is performed, is it now an existing building and no longer required to be monitored? Question 2. If existing apartment buildings 4 stories or less are not required to have the alarm system monitored, what if the apartments in question already have a system that is monitored? Is it OK to allow them to discontinue the monitoring?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request: Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Chief Anthony Roseberry on or about March 3, 2009. The petition seeks the agency's opinion as to the applicability of 2004 Editions of NFPA 96 14.7.6. and NFPA 96 14.3.3. as it applies to the petitioner.

14.7.6 – Is the suppression system required to be UL Listed for Class A Fuels? And 14.3.3 – Is the solid fuel cooking equipment required to have a separate exhaust system from other cooking appliances in the same area? Three Red Lobster Restaurants located at: 416 Commerce Center Dr., 8720 Baymeadows Road, and 13090 City Station Drive, Jacksonville, FL.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request: Lesley.Mendelson@myfloridacfo.com.

**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:**

Armando Cesar Santana vs. Department of Financial Services; Case No.: 09-0829RX; Rule No.: 28-106.201

The Florida Insurance Council, Inc., and National Association of Mutual Insurance Companies vs. Financial Services Commission and Office of Insurance Regulation, Case No.: 09-1208RP; Rule No.: 69O-175.008(2)

Coventry First, LLC vs. Financial Services Commission and Office of Insurance Regulation; Case No.: 09-1019RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Susan Valliere vs. Florida Elections Commission; Case No.: 08-6083RX; Rule No.: 2B-1.002; Voluntarily Dismissed

A. James Valliere vs. Florida Elections Commission; Case No.: 08-6133RX; Rule No.: 2B-1.002; Voluntarily Dismissed

Florida Chamber of Commerce, Inc.; Florida Land Council, Inc.; and Florida Farm Bureau Federation vs. Department of Community Affairs; Case No.: 09-0048RP; Rule Nos.: 9J-5.026, 9J-11.023; Dismissed

Florida Outdoor Advertising Association vs. Department of Transportation; Case No.: 08-4572RP; Rule No.: 14-10.0043; Voluntarily Dismissed

Van Wagner Communications, LLC, A New York Limited Liability Company vs. Department of Transportation; Case No.: 08-1811RP; Rule No.: 14-10.025; Dismissed

Fuel Miami, LLC vs. Department of Transportation; Case No.: 08-1824RP; Rule No.: 14-10.025; Dismissed

Trelles Pharmacy Management, Inc. vs. Agency for Health Care Administration; Case No.: 08-3820RX; Rule No.: 59G-4.250; Voluntarily Dismissed

FM Liquors, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-5640RP; Rule No.: 61A-3.0535; Dismissed

Carrie Johnson, as Lawful Custodian and Next of Friend of Minor Child, Jevon Evens vs. Department of Children and Family Services; Case No.: 08-5227RP; Rule Nos.: 65A-1.900(2)(a), 65A-4.220; Voluntarily Dismissed

FM Liquors, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-2623RU; Dismissed

City of Miami Beach vs. Department of Business and Professional Regulation, Division of Hotels and Restaurants; Case No.: 08-5188RU; Dismissed

Coventry First, LLC vs. Financial Services Commission and Office of Insurance Regulation; Case No.: 09-1019RU; Voluntarily Dismissed

**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**

REQUESTING BIDS FOR  
 FURNISHING INSTRUCTIONAL MATERIALS  
 TO THE STATE OF FLORIDA

Sealed bids addressed to the Florida Department of Education and marked "Sealed Bid" will be received in the office of the Commissioner of Education no later than 5:00 p.m. (EDT), May 4, 2009.

Bids shall include proposals for furnishing instructional materials effective April 1, 2010, for a period of six years in the area of Mathematics K-12. A detailed list of the selection criteria may be obtained from the Instructional Materials Office, Room 424 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, or by accessing the Department of Education Website: [http://www.fldoe.org/bii/instruct\\_mat/](http://www.fldoe.org/bii/instruct_mat/). The bid shall state the lowest wholesale price at which the materials will be furnished, f.o.b. to the Florida depository of the bidder.

Official minimum standards and specifications for paper, printing, binding, binderboard, and cover fabric have been adopted by the Department of Education and are available for inspection in Room 424, Turlington Building.

Each bidder shall furnish specimen copies of all materials submitted at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the state instructional materials committee and copies furnished to district superintendents as provided in Section 1006.38, Florida Statutes.

Contracts must be executed and required bonds submitted within 30 calendar days after receipt of the contract.

The Department of Education reserves the right to reject any or all bids.

**INVITATION TO BID**

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University  
 Facilities Maintenance, Purchasing  
 114F Mendenhall Building A  
 Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FAC30321-09  
 Purchasing Agent: B. J. Lewis, Facilities  
 blewis@admin.fsu.edu  
 Mandatory Pre-Bid: April 7, 2009, 10:00 a.m. (Local Time)  
 Location: Smith Hall, Chiefland Way

The special prequalification submittal package is to be turned in to Architect at time of mandatory PreBid meeting.

The special prequalification submittal package may be obtained from the Architect's office prior to the PreBid meeting. It should be completed and returned to Architect at mandatory PreBid meeting

Public Bid Opening: April 16, 2009, 2:00 p.m. (Local Time)  
 FSU-Facilities Maintenance  
 969 Learning Way  
 125 Mendenhall, Building A  
 Tallahassee, Florida 32306-4150  
 Facilities Maintenance Purchasing

**Bid Documents: RE-ROOF SMITH AND KELLUM HALLS**  
 The scope of work includes tear off and reroof approximately 155 squares of low slope roof area on Smith Hall and an alternate for tear off and reroof approximately 35 squares on portions of Kellum Hall. The existing roofing is asphalt built up roofing on rigid insulation board. The new roofing system includes a temporary membrane/vapor barrier, tapered isocyanurate insulation (min. R-20) with high density coverboard, and a two ply mineral surface modified bitumen membrane roofing and flashing system to provide a special manufacturer's 25 year NDL warranty, with new prefinished aluminum flashing and coping.

Contact Person: Randy Lewis  
 Project Architect MLD Architects  
 211 John Knox Road, Suite 105  
 Tallahassee, Florida 32303

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of South Florida announces that Professional Consulting Services in the disciplines of civil, transit, traffic, LEED, mechanical, electrical and telecommunications

engineering for campus infrastructure systems master planning (capacity, generation and distribution) will be required for the project listed below:

PROJECT NUMBER: 513

PROJECT AND LOCATION: 2010 Tampa Campus Master Plan Update, University of South Florida, Tampa, Florida.

PROJECT DESCRIPTION:

This project consists of providing services to support the University's campus planning staff in updating the University of South Florida Tampa Campus 10 Year Master Plan. The University's Campus Planning Staff shall perform the overall Master Planning for the 2010 Campus Master Plan and the professional consulting services to be provided in response to this F.A.W. Ad, shall provide services, as required, to support the University's planning, including confirmation of the accommodation of the projected facilities program in terms of future campus transportation and infrastructure system capacity, generation and distribution needs, both on-campus and off-campus. The services will include:

Systems included in the required services include: transit, traffic, parking, pedestrian, bikeway, stormwater, chilled/hot water, potable water, sanitary sewer, solid waste, electrical, and telecommunications. Added emphasis is on Sustainability and Transportation Demand Management. The scope of work will include a Data Collection and Analysis document, and draft and final revisions to the Goals, Objectives, Policies, and Graphics.

Development of a final comprehensive 2010 Tampa Campus Master Plan Update document which fulfills statutory requirements, including determination of impacts to the LOS of services/systems/roadways. The 10 Year Master Plan will be updated in accordance with Section 1013.30, Florida Statute, and Rule Chapter 6C-21, Florida Administrative Code and proposed rewrite, Chapter 21, F.S. The required Elements include Future Land Use, Transportation, Housing, General Infrastructure, Utilities, Conservation, Recreation and Open Space, Intergovernmental Coordination, and Capital Improvements. Optional elements may be included. The successful consultant team must demonstrate experience in sustainable campus planning, including resolution of pedestrian, bike, parking, transit, and traffic issues, as well as familiarity with statutory and administrative rule requirements.

The Consultant team must demonstrate the ability to assess the impacts of university facilities development on campus and public facilities/services. The University is seeking consultants with experience in campus master planning, sustainability, local government comprehensive planning and concurrency management within the specified disciplines.

The selected applicant firm shall provide comprehensive consulting services for the referenced project. Potentially, regional campuses may be added to the scope at a later time. The applicant may provide all or part of the required services in-house or utilize Sub-Consultants, as required, which shall be

identified on the USF PQS form, to meet project scope requirements. Selection of finalists for interview will be made on the basis of professional qualifications of the proposed professional services team members, including experience and ability to meet the project requirements and the goals and objectives of the University's strategic plan, past experience; design ability; volume of work; and distance from project. The distance factor for this project shall provide a maximum of a one point difference in scoring location between in-state and out-of-state applicants. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. The selected firm will be required to provide computer-generated drawings according to the standards of the University of South Florida. Blanket professional liability insurance will not be required for this project. Project development, including professional services, is contingent upon availability of funds. Additional Campus Master Plan Update services for the University of South Florida campuses and additional Master Plan related services may be added to the contract scope for this project subject to the availability of funds and need.

The plans and specifications for the University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

#### INSTRUCTIONS:

Firms desiring to apply to provide professional services shall submit one (1) original submittal and six (6) bound copies consisting of the information as required in the "Submittal Requirements" of the Project Fact Sheet including a letter of interest, a completed "USF Professional Qualifications Supplement (PQS)" dated March 2009 for Campus Master Planning and any required or additional information within the proposal limits. Applications on any other form will not be considered. The Submittals and process are part of the public record. All applicants must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the

Florida Department of State to operate in Florida. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The "Professional Qualifications Supplement (PQS)" for Campus Master Planning, dated March 2009 and "Project Fact Sheet", which includes project information and selection criteria, may be obtained by contacting: Kathy Bennett, University of South Florida, Facilities Planning and Construction, via e-mail at [kbennett@admin.usf.edu](mailto:kbennett@admin.usf.edu), by mail at 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, or by phone at (813)974-3098, (813)974-2625. Interested firms are invited and encouraged to attend a Pre-Submittal Meeting at 9:00 a.m. (Eastern Time), Thursday, April 9, 2009, at the University of South Florida, Marshall Center, Oak Room #3707 to review the scope and requirements of this project. For USF campus maps, directions and parking information please see the website: <http://www.usf.edu/Locations/Maps-Directions/tampa.asp>.

Requests for meetings by individual firms will not be granted. No verbal communication shall take place between the applicants and the employees of the University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the PQS and the Fact Sheet. Requests for any project information must be in writing to the above e-mail address. The Selection Committee may waive any irregularities and may reject all proposals and stop the selection process at any time. One (1) original and six (6) copies of the requested submittal data, bound in the order listed in the "Submittal Requirements" of the Project Fact Sheet shall be addressed to:

Barbara Donerly, RA, AICP, LEED AP  
Assistant Director  
Facilities Planning and Construction  
University of South Florida, FPC 110  
4202 East Fowler Avenue  
Tampa, Florida 33620-7550.

Applications that do not comply with the above instructions may be disqualified. Submittals are to be received in the University of South Florida, Facilities Planning and Construction Office, FPC110 by 2:00 p.m. (Eastern Time), Friday, April 24, 2009. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

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#### NOTICE TO ARCHITECTS

Architect – USF Continuing Service Provider

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that continuing professional services are required for the following discipline: Architecture (Up to 2) (Sarasota-Manatee Campus with ability to include other campuses as required).

#### PROJECT DESCRIPTION:

Projects included in the scope of this Agreement will be specific projects for renovations, alterations, new construction and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for an initial contract period of one (1) year with an Owner's option to renew for one (1) additional year at a time up to a total of two (2) additional years. This selection is based upon Architectural services only. Engineering services (mechanical, electrical, structural and civil) required for specific projects shall be provided as part of basic services through the selected Architect(s) based upon project need. Use of USF continuing service engineers by the selected Architect(s) shall be encouraged. The consultant(s) receiving the award may not have an exclusive contract to perform services for these projects. The University may have additional continuing service professionals under contract during the same time period. Blanket professional liability insurance shall be required for the contract. Services required to be provided under the Continuing Services Contracts include the development of record drawings by the Continuing Service Consultant for projects designed by that consultant to reflect as-built conditions to facilitate the University's space management program.

#### INSTRUCTIONS:

Firms desiring to provide professional services shall submit one (1) original submittal and five (5) bound copies consisting of the information as required in the "SUBMITTAL REQUIREMENTS" of the Project Fact Sheet including a letter of interest, a completed "USF Professional Qualifications Supplement" dated March, 2007, and any required or additional information within the proposal limits. Submittals must not exceed 40 pages, including the Professional Qualifications Supplement, letter of interest, attachments and additional information. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested information may not be considered. Submittals are part of the public record and no submittal material will be returned. Applications submitted in any other format may not be considered. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida. The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the

services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

**PROJECT SELECTION CRITERIA:**

Selection of finalists for interview will be made on the basis of professional qualifications, including, experience and ability, to meet the project requirements and goals and objectives of the University's Strategic Plan, design ability, past performance, workload, volume of USF work (regardless of the contract entity at the University or funding source), and location. As part of the University of South Florida's Strategic Plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. MBE participation information by the Architect for this contract shall be provided by the Architect in response to a request from the University's Supplier Diversity Manager's office. The "USF Professional Qualifications Supplement dated March 2007" and Project Fact Sheet which includes project information may be obtained by contacting: Beverly Pinder, Contracts Administrator, University of South Florida, Facilities Planning and Management, 8350 North Tamiami Trail, B128E, Sarasota, Florida 34243-2049, (941)359-4518, Fax: (941)359-4494, e-mail: [bpinder@sar.usf.edu](mailto:bpinder@sar.usf.edu). All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 9:00 a.m. (Eastern Time), on Wednesday, April 1, 2009, at: University of South Florida, Sarasota-Manatee Campus, Facilities Planning and Management, Selby Auditorium, 8350 North Tamiami Trail, Sarasota, Florida 34243-2049, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the applicants and the employees of the University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the PQS and Project Fact Sheet. Requests for any project information must be in writing to the above e-mail address. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time. One (1) original and five (5) bound copies of the above requested proposal data, bound in the order listed, shall be addressed to: Richard Lyttle, Director, University of South Florida, Facilities Planning and Management, 8350 North Tamiami Trail, B128E, Sarasota, Florida 34243-2049. Applications that do not comply with the above instructions may be disqualified. Submittals must be received at the above campus address Room B128, by

2:00 p.m. (Eastern Time), on Wednesday, April 15, 2009, Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

**NOTICE TO CONSTRUCTION MANAGERS**

The University of South Florida announces that continuing construction management services are required for the following discipline: Construction Manager (Up to 2) (Sarasota-Manatee Campus with the ability to include other campuses as required). Projects included in the scope of this agreement will be specific projects for new construction, renovations, alterations, and/or additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for services is \$100,000 or less. Continuing Service contracts for these projects provide that the construction manager will be available on an as-needed basis for an initial period of one (1) year with an Owner's option to renew for one (1) additional year at a time up to a total of two (2) additional years. The construction managers receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional continuing service construction managers under contract during the same time period. Performance and Payment Bonds shall be provided for individual projects exceeding \$100,000 and liability and worker's compensation insurance shall be required for the contract. Builder's Risk insurance may be required for specific projects based upon need. Continuing Service projects include projects that are awarded based upon competitive proposals from Continuing Service construction managers under contract and may include projects that are negotiated individually with a specific construction manager. Services required to be provided under the Continuing Services Contracts include the recording of as-built conditions by the Continuing Service Construction Manager for projects constructed by that Construction Manager for use in developing record drawings to facilitate the University's space management program. Firms desiring to provide construction management services shall submit one original submittal and five (5) bound copies consisting of a letter of interest, a completed "USF Construction Manager Qualifications Supplement" dated May 2006 and any required additional information within the proposal limits as described in the CMQS Instructions addressing the criteria contained therein in the order listed in a clear and concise manner. Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida. Pages must be numbered consecutively. Submittals that do not comply with

these requirements or do not include the requested data may not be considered. No submittal material will be returned. Submittals become part of the public record. Selection of finalists for interview shall be made on the basis of experience, qualifications and ability to provide service. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list. The USF Construction Manager Qualifications Supplement, dated May 2006 and Fact Sheet, which includes project information, may be obtained by contacting: Beverly Pinder Contracts Administrator, Facilities Planning and Management, University of South Florida, 8350 North Tamiami Trail, B128E, Sarasota, Florida 34243, e-mail: [bpinder@sar.usf.edu](mailto:bpinder@sar.usf.edu) or by phone (941)359-4518, Fax: (941)359-4494. Interested firms are invited to and encouraged to attend a Pre-Submittal Meeting to be held at 11:00 a.m. (Eastern Time), Wednesday, April 1, 2009 at the: University of South Florida, Sarasota Manatee, Facilities Planning and Management, Selby Auditorium, 8350 North Tamiami Trail, Sarasota, Florida 34243-2049, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the applicants and employees of the University of South Florida except as provided at the Pre-Submittal meeting, the Pre-Interview meeting and the request for the CMQS and Fact Sheet. Requests for any project information must be in writing to the above address. One original and five (5) bound copies of the above required proposal data shall be submitted to: Richard Lytle, Director, Facilities Planning and Management, University of South Florida, 8350 North Tamiami Trail, B128E, Sarasota, Florida 34243-2049. Applications that do not

comply with the above instructions may be disqualified. Application materials will not be returned. Submittals must be received at the above campus address Room B128 by 2:00 p.m. (Eastern Time), Wednesday, April 15, 2009. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

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### **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."

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### **REGIONAL TRANSPORTATION AUTHORITIES**

#### **INVITATION TO BID NO. 09-005 – DANIA**

#### **BEACH PARK-N-RIDE WEST LOT PARKING GARAGE**

The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, operates Tri-Rail, a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to obtain the Design-Build services of a Contractor for a new 3-level precast parking garage with approximately 430 spaces located at the South East corner of Griffin Road and Ravenswood Road in Dania Beach, Florida. The project will include demolition, paving, drainage, lighting, and scaping, specific bus, taxi and vehicular circulation on the ground level, and architectural compatibility with the surrounding complex as the primary components of the project. Conceptual site development plans including geotechnical data, and a boundary and topographic survey have been completed and will be included in the ITB documents to provide more information as the project scope.

A REQUEST FOR DOCUMENTS should be directed to Mr. Bryan Kohlberg at SFRTA, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7910. The cost of the solicitation document is Fifty Dollars (\$50.00) non-refundable. Checks or money orders made payable to SFRTA should be forwarded to Mr. Kohlberg at the address above. Solicitation documents will be available on or about March 30, 2009.

A PRE-BID CONFERENCE will be held in the SFRTA Board Room at the address above on April 8, 2009, 10:00 a.m. The purpose of the meeting will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 4:00 p.m., April 30, 2009 at the SFRTA office in Pompano Beach.

SFRTA reserves the right to postpone, accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General’s List of Ineligible Bidders. All Bids must remain in effect for One Hundred Eighty (180) days from the Bid opening date.

**DBE PARTICIPATION:** It is the policy of the SFRTA that Disadvantaged Business Enterprises, as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contracts. SFRTA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

Contractors are encouraged to take all necessary and reasonable steps to ensure that DBE’s have the maximum opportunity to compete for and perform services on contracts, including participation in any subsequent supplemental contracts. If the Contractors intend to subcontract a portion of the services on the project, Contractor are encouraged to seek out and consider DBE’s as potential subcontractors, by soliciting their interest, capability, and qualifications.

**CONE OF SILENCE:** Any verbal or written communications between any Bidder (potential or actual), or its representatives and any SFRTA Board Member, staff member, committee member, or consultant regarding this procurement are strictly prohibited from the date of the ITB advertisement through the date of execution of the contract. The only exceptions to this are: (1) written requests regarding information or clarification made to SFRTA’s designated contract specialist during the allowable time period under the solicitation; (2) any communications at a publicly noticed meeting of SFRTA; and (3) any communications with the SFRTA Director of Procurement. Any violation of the requirements set forth in this section shall constitute grounds for immediate and permanent disqualification of the Bidder/violator from participation in this procurement.

Christopher C. Bross, CPPO, FCPM  
 Director, Procurement

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT**

**FOR BIDS FOR GENERAL CONTRACTORS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: DEM-25070250

PROJECT NAME: Special Needs Shelter (SpNS) Generator Renovations, Ridge Community High School

PROJECT LOCATION: 500 West Orchid Drive, Davenport, Florida

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$500,000.00

**PREQUALIFIED BIDDERS:** Refer to DMS Website (below) for further details

**NOTE:** The Engineer will conduct additional Specific Experience Qualification prior to receipt of plans and specifications, (Failure to submit these requirements will result in disqualification).

Please visit the Department’s Website listed below and click on “Search Advertisements – Division of Real Estate Development and Management” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES REQUEST FOR QUALIFICATIONS (RFQ):** The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

**PROJECT NUMBER:** NFWM-27030000

**PROJECT NAME:** Construction of Land Management Field Office and Storage Building

**LOCATION:** Milton Florida, Santa Rosa County

**ESTIMATED CONSTRUCTION BUDGET:** \$600,000.00

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

**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.”

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Qualifications (RFQ) 2009-02  
 for Investment Banker Services

The Florida Housing Finance Corporation invites all qualified firms to provide investment banker services in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ) 2009-02, to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, April 24, 2009, to the Attention: Sherry

Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Sherry Green at (850)488-4197 or [sherry.green@floridahousing.org](mailto:sherry.green@floridahousing.org). To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Sherry Green, or you can download the Request for Qualifications from the Florida Housing Finance Corporation web site: <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForQualifications.htm> Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

### **HILLSBOROUGH COUNTY AVIATION AUTHORITY**

#### **NOTICE TO CONSULTANTS, GEOTECHNICAL ENGINEERING AND MATERIALS TESTING SERVICES HILLSBOROUGH COUNTY AVIATION AUTHORITY**

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, letters of interest from geotechnical engineering and materials testing firms or individuals desiring to render professional services for the following project:

#### **GEOTECHNICAL ENGINEERING AND MATERIALS TESTING SERVICES**

#### **TAMPA INTERNATIONAL, TAMPA EXECUTIVE, PETER O. KNIGHT AND PLANT CITY AIRPORTS**

This agreement is to perform geotechnical engineering and materials testing services for specific projects selected by the Authority and provide technical services to supplement the Authority staff. The firm must have the accreditation/certifications required by the Federal Aviation Administration and Florida Department of Transportation and have the facilities and qualified personnel to provide geotechnical engineering and materials testing.

#### **Significant Dates:**

Letters of interest due:	NLT 5:00 p.m., April 8, 2009
RFP posted on web site:	After 12:00 Noon, April 15, 2009
Mandatory pre-proposal conference:	At 1:30 p.m., April 29, 2009
Proposals Due:	By 5:00 p.m., May 13, 2009

For additional information on submitting letters of interest, location of meeting and other project details, go to the Authority website at [www.tampaairport.com](http://www.tampaairport.com); Quick Links, Airport Business, Notice of Solicitation. The RFP will be posted on the Authority website after 12:00 Noon, on April 15, 2009.

To receive automated e-mail notifications of future business opportunities, please visit our website at [tampaairport.com](http://tampaairport.com) and register using the Authority's Business and Supplier Registration Program.

### **PETER R. BROWN CONSTRUCTION, INC.**

Notice of Request for Proposals #1  
St. Petersburg College  
Olympia Building, Tarpon Springs Campus  
Remodel/Renovate for Classrooms/Labs  
Olympia Building – 597-C-07-5  
Pinellas County  
Palm Harbor, Florida

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the St. Petersburg College – Remodel/Renovate for Classrooms/Labs, Olympia Building Project 597-C-07-5 hereby solicits sealed proposals for the referenced project in accordance with the proposal documents to include but not limited to the following:

The Scope of Work for this project includes but is not limited to the following:

The phased renovation of the Olympia Building. Subcontractor request for proposal #1 includes: aerial photos, fencing, demolition, concrete, masonry, structural steel, below grade waterproofing, temporary electric and temporary HVAC. Demolition activities at the site are expected to begin in late May 2009.

A pre-proposal meeting will be held at 10:00 a.m. (Local Time); Thursday, April 23, 2009 at the following location:

Olympia Building Jobsite Construction Office  
Olympia Building: Tarpon Spring Campus  
600 Klosterman Road  
Palm Harbor, FL 34683

Deadline for receipt of RFP #1 Proposal Packages has been set for 2:00 p.m., April 30, 2009. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All interested subcontractors must be pre-qualified or have completed the pre-qualification process within the last year. Deadline for receipt of prequalification packets is April 3, 2009. Please contact the following person to obtain information or documents about the pre-qualification requirements for this project:

Jonathan Griffith, Estimator

Phone: (727)535-6407 – Fax: (727)539-8485

St. Petersburg College and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Drawings will be available April 15, 2009. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

St. Petersburg College and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing by April 24, 2009. The Owner and Architect will not accept calls regarding this project.

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## 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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Subaru of America, Inc., South Central Region, intends to allow the establishment of Auto Partners II, LLC d/b/a Dyer Subaru, as a dealership for the sale of Subaru vehicles (SUBA) at 999 US Highway 1, Vero Beach, (Indian River County), Florida 32962, on or after April 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Auto Partners II, LLC d/b/a Dyer Subaru are dealer operator(s): William D. Dyer, 999 US Highway 1, Vero Beach, Florida 32962; principal investor(s): David F. Dyer, 300 Beach Drive North, St. Petersburg, Florida 33701; Harriet Dyer, 300 Beach Drive North, St. Petersburg, Florida 33701; William D. Dyer, 999 US Highway 1, Vero Beach, Florida 32962 and Tatiana Y. Dyer, 999 US Highway 1, Vero Beach, Florida 32962.

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, 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: John Thamert, Subaru of America, Inc., South Central Region, 220 The Bluffs, Austell, Georgia 30166 .

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.

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#### 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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of TGT Companies, Inc. d/b/a Extreme Motor Sales, as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Manufacture Industry Co. Ltd. (HIBR) at 1918 South Orange Blossom Trail, Apopka (Orange County), Florida 32703, on or after April 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc. d/b/a Extreme Motor Sales are dealer operator(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Florida 32703; principal investor(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Florida 32703.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of TGT Companies, Inc. d/b/a Extreme Motor Sales, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 1918 South Orange Blossom Trail, Apopka (Orange County), Florida 32703, on or after April 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc. d/b/a Extreme Motor Sales are dealer operator(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Florida 32703; principal investor(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Apopka, Florida 32703.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
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The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc. d/b/a Extreme Motor Sales are dealer operator(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Florida 32703; principal investor(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Apopka, Florida 32703.

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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.

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than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of TGT Companies, Inc. d/b/a Extreme Motor Sales, as a dealership for the sale of

motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 1918 South Orange Blossom Trail, Apopka (Orange County), Florida 32703, on or after April 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc. d/b/a Extreme Motor Sales are dealer operator(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Florida 32703; principal investor(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Apopka, Florida 32703.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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.

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#### 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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of TGT Companies, Inc. d/b/a Extreme Motor Sales, as a dealership for the sale of motorcycles manufactured by Jiangsu Sunhou S & T Motorcycle Co. Ltd. (SNHU) at 1918 South Orange Blossom Trail, Apopka (Orange County), Florida 32703, on or after April 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc. d/b/a Extreme Motor Sales are dealer operator(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Apopka, Florida 32703; principal

investor(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Apopka, Florida 32703.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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.

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#### 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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of TGT Companies, Inc. d/b/a Extreme Motor Sales, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 1918 South Orange Blossom Trail, Apopka (Orange County), Florida 32703, on or after April 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc. d/b/a Extreme Motor Sales are dealer operator(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Florida 32703; principal investor(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Apopka, Florida 32703.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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.

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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 Pacific Rim International West, Inc., intends to allow the establishment of M & S Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (DAIX) at 17805 Northeast US Highway 301, Waldo (Alachua County), Florida 32694, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of M & S Scooters, Inc. are dealer operator(s): Mahmoud Montaser, 17805 Northeast US Highway 301, Waldo, Florida 32694; principal investor(s): Mahmoud Montaser, 17805 Northeast US Highway 301, Waldo, Florida 32694.

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, 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: Wendy Yu, Pacific Rim International West, 2260 South Archibald Avenue, Unit E, Ontario, California 91761.

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.

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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 Cruise Car, Inc., intends to allow the establishment of Renewable Energy Technology, LLC, as a dealership for the sale of low speed vehicles manufactured by Suzhou Eagle Electric Vehicle Manufacturing Co. (EEVM) at 22976 Oxford P1 Unit D, Boca Raton (Palm Beach County), Florida 33433, on or after May 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Renewable Energy Technology, LLC are dealer operator(s): John Merritt, Post Office Box 880371, Boca Raton, Florida 33488; principal investor(s): John Merritt, Post Office Box 880371, Boca Raton, Florida 33488.

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: William A. Kics, Cruise Car, Inc., 1932 Whitfield Park Loop, Sarasota, Florida 34243.

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.

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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 Yuan Cheng International Group, Inc. d/b/a New Star Technology, intends to allow the establishment of Sunset

Point Scooters, Inc. d/b/a Sunset Scooters, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 2300 Sunset Point Road, Clearwater (Pinellas County), Florida 33765, on or after March 11, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Sunset Point Scooters, Inc. d/b/a Sunset Scooters are dealer operator(s): Gary D. Parr, 2300 Sunset Point Road, Clearwater, Florida 33765 and Douglas V. Vitello, 2300 Sunset Point Road, Clearwater, Florida 33765; principal investor(s): Gary D. Parr, 2300 Sunset Point Road, Clearwater, Florida 33765 and Douglas V. Vitello, 2300 Sunset Point Road, Clearwater, Florida 33765.

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: John Cheng, President, Yuan Cheng International Group, Inc. d/b/a New Star Technology, 10830 Ada Avenue, Montclair, California 91763.

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.

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#### 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 Yuan Cheng International Group, Inc. d/b/a New Star Technology, intends to allow the establishment of Sunset Point Scooters, Inc. d/b/a Sunset Scooters, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 2300 Sunset Point Road, Clearwater (Pinellas County), Florida 33765, on or after March 11, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Sunset Point Scooters, Inc. d/b/a Sunset Scooters are dealer operator(s): Gary D. Parr, 2300 Sunset Point Road, Clearwater, Florida 33765 and Douglas V. Vitello,

2300 Sunset Point Road, Clearwater, Florida 33765; principal investor(s): Gary D. Parr, 2300 Sunset Point Road, Clearwater, Florida 33765 and Douglas V. Vitello, 2300 Sunset Point Road, Clearwater, Florida 33765.

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: John Cheng, President, Yuan Cheng International Group, Inc. d/b/a New Star Technology, 10830 Ada Avenue, Montclair, California 91763.

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.

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#### 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 CF Moto Powersports, Inc., intends to allow the establishment of Suncoast Motors, Inc., as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 853 US Highway 41 Bypass South, Venice (Sarasota County), Florida 34285, on or after March 19, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast Motors, Inc. are dealer operator(s): Bob Shapiro, 853 US Highway 41 Bypass South, Venice, Florida 34285; principal investor(s): Bob Shapiro, 853 US Highway 41 Bypass South, Venice, Florida 34285.

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: Ivan Escalante, CF Moto Powersports, Inc., 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.

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### **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."

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### **AGENCY FOR HEALTH CARE ADMINISTRATION**

#### **NOTICE OF BATCHED APPLICATION RECEIPT AND NOTICE OF TENTATIVE PUBLIC HEARING**

The Agency for Health Care Administration has received and accepted the following Certificate of Need application for review in the batched Hospital Beds and Facilities review cycle with an application due date of March 11, 2009.

County: Marion District: 3

CON # 10048 Application Receipt Date: 3/11/2009

Facility/Project: HealthSouth Rehabilitation Hospital of Ocala, LLC

Applicant: HealthSouth Rehabilitation Hospital of Ocala, LLC

Project Description: Establish a comprehensive medical rehabilitation hospital of up to 60 beds

Also, IF REQUESTED, a tentative public hearing has been scheduled as follows:

PROPOSAL: District 3

DATE/TIME: Tuesday, April 28, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: WellFlorida Council  
1785 N. W. 80th Boulevard  
Gainesville, FL 32606

Public hearing requests must be in writing and be received at: Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, Attention: James B. McLemore, by 5:00 p.m., April 10, 2009. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of

the application will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by April 15, 2009.

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### **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."

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The Department of Environmental Protection (Department) gives notice of its intent to issue a variance under Sections 373.414(17) and 403.201, Florida Statutes, to the Overboard, LLC., located at 4730 1st Street, Grant, Florida 32949 (File No. 05-291269-001) from the provisions of Part II section 12.2.5 (Criteria for Evaluation) of the Applicant's Handbook for the St. Johns River Water Management District, adopted by the Department in Chapter 62-330, F.A.C., which restrict dredging or filling in, adjacent to, or in close proximity to Class II waters or located in Class III waters that are classified as approved, restricted, or conditionally restricted for shellfish harvesting. The variance will allow the applicant to reconfigure an existing 10 slip docking facility within Class II waters classified as a Conditionally Restricted Shellfish Harvesting Area.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57,

Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

In accordance with Sections 373.414(17) and 403.201, Florida Statutes, petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service

purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code. Under Sections 120.569(2)(c) and (d), Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), sub-subparagraph 62-4.242(2)(a)2.b., subsections 62-302.700(1) and 62-312.080(3), F.A.C., to allow the turbidity mixing zone to exceed 150 meters, to Escambia

County, 1190 West Leonard Street, Pensacola, FL 32501, and Florida Park Service – Perdido Key State Park, 3900 Commonwealth Boulevard – MS 500, Tallahassee, FL 32399 (File No. 0273340-002-EV) to establish a maximum allowable turbidity level above background for work within Gulf Island National Seashore, Outstanding Florida Waters (OFW). At the dredge sites, the mixing zone would extend 1,500 meters downcurrent of the dredge. At the beach placement areas, the mixing zone would extend 1,500 meters downdrift from the point where water from the sand discharge pipe re-enters the Gulf of Mexico.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201, (850)488-7708.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F.S. is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a

motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and paragraph 62-110.106(3)(a), subsection (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

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#### FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at [http://www.dep.state.fl.us/secretary/oip/state\\_clearinghouse/](http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/).

For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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#### DEPARTMENT OF HEALTH

On March 13, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of James L. Black, C.N.A. license number CNA 90307. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On March 13, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Christina Lee Garcia, C.N.A. license number CNA 113189. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On March 10, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Gerald Paul Klapper, D.P.M. license number DPM 2051. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Pursuant to Rule 28-108.002, Florida Administrative Code, the Administration Commission hereby gives notice of final disposition on the "Petition for Exception to Uniform Rules of Procedure" filed by the Department of Children and Families on December 22, 2008. The Governor and Cabinet, sitting as the Administration Commission, met on March 10, 2009, and granted the Department's Petition for exception from paragraph 28-106.213(5)(b), Florida Administrative Code, for Rule 65-2.057, Florida Administrative Code, based upon the need to improve client access to the hearing process and to enhance the operation efficiency in providing fair hearings.

A copy of the Department of Children and Families Petition, the Administration Commission's Final Order, and the transcript of the March 10, 2009, Administration Commission meeting can be obtained by contacting: Barbara Leighty, Administration Commission, Executive Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850)487-1884.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN March 9, 2009  
 and March 13, 2009

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF TRANSPORTATION**

14-10.004	3/13/09	4/2/09	34/32	35/6
14-10.0043	3/13/09	4/2/09	34/32	35/6

**STATE BOARD OF ADMINISTRATION**

19-8.010	3/10/09	3/30/09	35/5	
19-8.012	3/10/09	3/30/09	35/5	
19-8.013	3/10/09	3/30/09	35/5	
19-8.029	3/10/09	3/30/09	35/5	
19-8.030	3/10/09	3/30/09	35/5	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums & Mobile Home**

61B-15.007	3/13/09	4/2/09	35/3	
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**Pilotage Rate Review Board**

61E13-2.002	3/11/09	3/31/09	35/5	
61E13-2.015	3/11/09	3/31/09	35/5	

**Florida Building Code Administrators and Inspector**

61G19-7.0015	3/11/09	3/31/09	34/19	34/51
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**Florida Real Estate Appraisal Board**

61J1-10.001	3/11/09	3/31/09	35/2	
61J1-10.002	3/11/09	3/31/09	35/2	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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61J1-10.003	3/11/09	3/31/09	35/2	
61J1-10.004	3/11/09	3/31/09	35/2	

**DEPARTMENT OF HEALTH**  
**Board of Hearing Aid Specialists**

64B6-3.001	3/12/09	4/1/09	34/50	
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**Board of Massage Therapy**

64B7-26.002	3/13/09	4/2/09	33/50	35/7
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**Board of Optometry**

64B13-4.007	3/13/09	4/2/09	34/52	
64B13-4.008	3/11/09	3/31/09	34/52	
64B13-16.002	3/11/09	3/31/09	34/52	

**Council of Licensed Midwifery**

64B24-6.005	3/12/09	4/1/09	35/3	
64B24-7.004	3/12/09	4/1/09	35/3	

**Division of Environmental Health**

64E-11.002	3/12/09	4/1/09	34/46	35/5
64E-11.013	3/12/09	4/1/09	34/46	35/5

**NAVIGATION DISTRICTS**

**Florida Inland Navigation Districts**

66B-1.004	3/12/09	4/1/09	34/53	
66B-1.005	3/12/09	4/1/09	34/53	
66B-1.008	3/12/09	4/1/09	34/53	
66B-2.004	3/12/09	4/1/09	34/53	
66B-2.005	3/12/09	4/1/09	34/53	
66B-2.008	3/12/09	4/1/09	34/53	