

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Candidate Eligibility for Contributions from the Election Campaign Financing Trust Fund; Reporting Requirements for Candidates, Committees, and Political Parties 1S-2.017

PURPOSE AND EFFECT: Rule 1S-2.017 is being amended to allow for the submission of campaign treasurer's reports by electronic transfer of files. The rule currently requires a candidate to file reports on magnetic diskette, but allows the filing of a hard copy of the reports if the candidate submits a statement to the Division.

SUBJECT AREA TO BE ADDRESSED: Rule 1S-2.017 contains requirements for campaign reports that detail contributions and expenditures of candidates, committees and political parties. The rule also addresses eligibility and reporting requirements for candidates receiving state matching funds.

SPECIFIC AUTHORITY: 106.22(9), 106.35 FS.
LAW IMPLEMENTED: 106.04, 106.29, 106.30-.36 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ethel Baxter, Director, Division of Elections, (850)488-7690

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF INSURANCE

RULE TITLE: Procedures 4-123.002

PURPOSE AND EFFECT: To adopt and incorporate Form DI4-363, into the rule by reference.

SUBJECT AREA TO BE ADDRESSED: Incorporation of form by reference.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.155 FS.

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

TIME AND DATE: 10:00 a.m., August 3, 1999

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Raleigh Close, Division of Consumer Services, Department of Insurance

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)922-3110, Ext. 4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-123.002 Procedure.

(1) No change.

(2) As a condition precedent to bringing such action, the department and the insurer shall be given 60 days' written notice of the violation. The notice shall be submitted on Form DI4-363, "Civil Remedy Notice of Insurer Violation," rev. 11-98 40-87, which is hereby adopted and incorporated by reference. The form may be obtained from and shall be submitted to the Department of Insurance, Bureau of Consumer Assistance, 200 East Gaines Street, Tallahassee, FL 32399-0300. No fee is required.

(3) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.155 FS. History--New 4-25-90, Formerly 4-103.002, Amended

DEPARTMENT OF INSURANCE

RULE TITLES: Identity of Insurer 4-150.114
Statements About an Insurer 4-150.117

PURPOSE AND EFFECT: This rule amendment deletes the per se prohibition against the reference to a reinsurer in an advertisement found in 4-157.117. Note that reference to a reinsurer in a misleading manner is still prohibited in 4-150.114, which is being amended to refer to any person to expand its scope. The exact same changes were recently made to the health and small group health advertising rules in Parts I and II of 4-150.

SUBJECT AREA TO BE ADDRESSED: Reference to a reinsurer in an advertisement of insurance.

SPECIFIC AUTHORITY: 624.308(1), 626.9611, 627.805 FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(a),(b),(e), (g),(k),(l), 626.9641(1),(2), 626.99, 627.460 FS.

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

TIME AND DATE: 9:30 a.m., July 27, 1999

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Pace, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5124

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-150.114 Identity of Insurer.

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

(c) An advertisement shall not use a trade name, any insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, name of any reinsurer or any other party, service mark, slogan, symbol or other device which would be misleading as to the true identity of the actual insurer or create the false impression that the parent company or reinsurer or any other party would have any responsibility for the financial obligation of the insurer.

(2) through (10) No change.

Specific Authority 624.308(1), 626.9611, 627.805 FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(g),(k),(l), 626.9641(1), 626.99, 627.460 FS. History--New 9-1-73, Formerly 4-35.12, Amended 6-12-88, Formerly 4-35.012, Amended 5-27-96,\_\_\_\_\_.

4-150.117 Statements about an Insurer.

(1) An advertisement shall not contain statements which are untrue in fact, or by implication misleading, with respect to the assets, corporate structure, financial standing, age or relative position of insurer in the insurance business.

(2) An advertisement shall not contain a recommendation by any commercial rating system unless the advertisement clearly indicates the purpose of the recommendation and the limitations of the scope and extent of the recommendations.

(3) An advertisement shall not refer to a holding company or subsidiary of an insurer unless the advertisement fully discloses that the holding company or subsidiary is a separate entity and not responsible for the insurer's financial condition or contractual obligations. ~~An advertisement shall not refer to a reinsurer or the existence of applicable reinsurance.~~

Specific Authority 624.308, 626.9611, 627.805 FS. Law Implemented 624.307(1), 626.9641(1),(2) FS. History--New 9-1-73, Formerly 4-35.15, 4-35.015, Amended 5-27-96,\_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE TITLE: Mediation of Property Insurance Claims  
 RULE NO.: 4-166.031

PURPOSE AND EFFECT: This rule is being amended to add language and adopt form DI4-1159 "Disposition of Property Insurance Mediation Conference and Company Remittance Form" and incorporate by reference.

SUBJECT AREA TO BE ADDRESSED: Incorporating Form DI4-1159 by reference and adopt.

SPECIFIC AUTHORITY: 624.308(1), 627.7015(4) FS.

LAW IMPLEMENTED: 627.7015 FS.

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

TIME AND DATE: 10:00 a.m., August 4, 1999

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Raleigh Close, Senior Management Analysis II, Division of Consumer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0300

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)922-3110, Ext. 4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-166.031 Mediation of Property Insurance Claims.

(8)(a) through (b) No change.

(c) Disposition. Mediators and/or insurance companies shall report to the Department on the status of property insurance (other than commercial) mediation conferences by submitting Form DI4-1159. "Disposition of Property Insurance Mediation Conference and Company Remittance Form" (rev. 8/94), which is hereby adopted herein and incorporated by reference.

Specific Authority 624.308(1), 627.7015(4) FS. Law Implemented 627.7015 FS. History--New 8-18-94, Amended 5-1-96,\_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE TITLE: Mediation of Bodily Injury and Property Damage Claims  
 RULE NO.: 4-176.022

PURPOSE AND EFFECT: To adopt and incorporate by reference Forms DI4-1121, ""Invoice".

SUBJECT AREA TO BE ADDRESSED: Incorporation of form by reference.

SPECIFIC AUTHORITY: 624.308(7), 627.745 FS.

LAW IMPLEMENTED: 627.745 FS.

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

TIME AND DATE: 10:00 a.m., August 5, 1999

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Raleigh Close, Division of Consumer Assistance, Department of Insurance

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)922-3110, Ext. 4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-176.022 Mediation of Bodily Injury and Property Damage Claims.

(5) Mediator

(a) through (g) No change.

(h) Invoice. Mediator shall bill the Department for their services associated with the automobile claim mediation conference by filing Form DI4-1121, "Invoice", which is hereby adopted herein and incorporated by reference. This form may be obtained from the Bureau of Consumer Services Assistance, Division of Insurance Consumer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0300

Specific Authority 624.308(7), 627.745 FS. Law Implemented 627.745 FS. History—New

DEPARTMENT OF INSURANCE

RULE TITLE: RULE NO.:

Health Maintenance Organization (HMO) Penalty Guidelines 4-191, Part III

PURPOSE AND EFFECT: Establishes penalty categories that specify varying ranges of monetary fines for willful and nonwillful violations pursuant to Section 641.25, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Penalty categories that specify varying ranges of monetary fines for willful and nonwillful violations pursuant to Section 641.25, Florida Statutes.

SPECIFIC AUTHORITY: 641.25, 641.36 FS.

LAW IMPLEMENTED: 641.36 FS.

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

TIME AND DATE: 10:00, July 28, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beth Vecchioli, Financial Administrator, Insurer Services, Department of Insurance

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)922-3110, ext. 4214.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Admission of Animals for Exhibition 5C-4

RULE TITLES: RULE NOS.:

General Requirements and Limitations 5C-4.001

Cattle 5C-4.002

Swine 5C-4.003

Goats and Sheep 5C-4.005

PURPOSE AND EFFECT: The purpose and effect of the rule changes are to modify Official Certificates of Veterinary Inspection (OCVI) exemptions of exhibition animals originating in and out of Florida.

SUBJECT AREA TO BE ADDRESSED: This rule proposes modifications in exhibition animal Official Certificates of Veterinary Inspection (OCVI) requirements.

SPECIFIC AUTHORITY: 585.002(4), 585.08(2), 585.08(2)(a), 585.145(1),(2) FS.

LAW IMPLEMENTED: 585.08(2)(a), 585.145(1),(2) FS.

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

TIME AND DATE: 9:00 a.m., July 23, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, Room 316, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe W. Kight, Assistant Division Director, Division of Animal Industry, 407 S. Calhoun Street, Room 321, Tallahassee, Florida 32399-0800, (850)488-0709, FAX: (850)487-3641

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-4.001 General Requirements and Limitations.

(1) through (2) No change.

(3) Exemption to Required OCVI. An OCVI is not required for animals originating in the State of Florida as long as the following information is provided when the animal is presented for visual inspection at the exhibition to the attending veterinarian licensed in the state of Florida or to a representative of the department, and entered in market classes provided that the animals are segregated from other animals and the pens are occupied only by the animals in a market class. Pens used for market classes must not be reused until after cleaning and disinfecting.

(a) The breed, name and registration number, and permanent identification such as tattoo, eartag number, microchip number, or brand.

(b) Results of a specific test requirement or herd certification or validation number for each animal with the date of the test or herd certification or validation.

(4) through (5)(b) No change.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1),(2) FS. Law Implemented 585.08(2)(a), 585.145(1),(2) FS. History—Amended 7-1-71, 8-7-77, 9-30-80, Formerly 5C-4.01, Amended 4-17-89, 1-19-95, 6-4-95,\_\_\_\_\_.

5C-4.002 Cattle.

(1) OCVI Required. Cattle except those exempted by 5C-4.001(3) for exhibition must be accompanied by an OCVI dated not more than 90 days prior to presentation and must be accompanied by evidence of completion of the test requirements or certifications listed in 5C-4.002(2).

(2) through (b) 2. No change.

3. Exemption from Required Test.

a. Steers, ~~and~~ spayed heifers and cattle originating from a class free State or Area, are exempt from the brucellosis test requirement.

b. Cattle identified on the OCVI as originating from a Certified Brucellosis-Free Herd, as defined in rule 5C-6.002, Florida Administrative Code, ~~or a Class Free Area, as defined in rule 5C-6.0031(4)(e)3., Florida Administrative Code~~, are exempt from the brucellosis test requirement. When certified, the herd certification number must be recorded on the OCVI.

c. through iv. No change.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1),(2) FS. Law Implemented 585.08(2)(a), 585.145(1),(2) FS. History—Amended 7-25-66, 11-15-67, 1-1-70, 7-1-71, 9-1-72, 8-7-77, 8-8-79, 9-30-80, 6-26-83, Formerly 5C-4.02, Amended 4-17-89, 1-19-95,\_\_\_\_\_.

5C-4.003 Swine.

(1) OCVI Required. All breeding swine for exhibition except those animals exempted from the OCVI requirements by 5C-4.001(3) must be accompanied by an OCVI dated not more than 90 days prior to presentation and must be accompanied by evidence of completion of the test requirements or certifications listed in 5C-4.003(2).

(2) through (3) No change.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1),(2) FS. Law Implemented 585.08(2)(a), 585.145(1),(2) FS. History—Amended 3-21-64, 6-20-68, 1-1-71, 3-1-72, Formerly 5C-4.03, Amended 4-17-89, 1-19-95,\_\_\_\_\_.

5C-4.005 Goats or Sheep.

(1) OCVI Required. Unless exempted by 5C-4.001(3) all Goats or sheep presented for exhibition in Florida must be accompanied by an OCVI dated not more than 90 days prior to presentation. Goats must be accompanied by evidence of completion of the test requirements or certifications listed in 5C-4.005(2).

(2) through (b) No change.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1),(2) FS. Law Implemented 585.08(2)(a), 585.145(1),(2) FS. History—New 11-4-76, Formerly 5C-4.05, Amended 4-17-89, 1-19-95, 6-4-95,\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Florida Educational Leadership Examination 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule development is to adopt updated registration forms and to establish a supplemental registration fee for certification applicants who find it necessary to take the Florida Educational Leadership Examination on a supplemental administration date. The effect will be to accommodate applicants who must take the examination on a supplemental date.

SUBJECT AREA TO BE ADDRESSED: Supplemental administration of the Florida Educational Leadership Examination is the subject area to be addressed.

SPECIFIC AUTHORITY: 231.0861(1), 231.15(1), 231.17(8)(11), 231.30(1) FS.

LAW IMPLEMENTED: 231.0861, 231.15, 231.17, 231.30 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.

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas

Fisher, Assessment and Evaluation Services Section, Bureau of Curriculum, Instruction and Assessment, Department of Education, 325 West Gaines Street, Room 401, Tallahassee, Florida 32399-0400, (850)488-8198

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.00821 Florida Educational Leadership Examination. (4) Registration, late registration, and refunds.

(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application to the test administration agency. The completed application shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. A completed application shall consist of the following:

a. A completed application Form CG-30-99, Florida Educational Leadership Examination Registration Application or Form CG-22-99, FTCE/FELE Supplemental Registration Application, as incorporated by reference in Rule 6A-4.0021, FAC., which includes the applicant's signature. Form CG-30-99, Florida Educational Leadership Examination Registration Application is hereby incorporated by reference and made a part of this rule to become effective October 1999. These forms may be obtained without cost from the Bureau of Teacher Certification, Department of Education, Turlington Building, Tallahassee, Florida 32399-0400. A completed application Form CG-30, Florida Educational Leadership Examination Registration Application, which includes the applicant's signature. Form CG-30, Florida Educational Leadership Examination Registration Application, effective January, 1989, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Bureau of Teacher Certification, Florida Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

b. A fifty (50) dollar registration fee.

c. A charge of one hundred (100) dollars in addition to the fees described in Rule 6A-4.00821(4)(a)1.b., FAC., for certification applicants taking the examination on a supplemental administration date.

2. An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in Rule 6A-4.00821(4)(b), FAC.

Specific Authority ~~229.053(4), 231.15(1), 231.17(8)(11), 231.0861(3), 231.30(1)~~ FS. Law Implemented ~~231.0861(3), 231.087(3)(e), 231.15, 231.17, 231.30~~ FS. History—New 12-25-86, Amended 1-11-89, 5-19-98.

REGIONAL TRANSPORTATION AUTHORITY

Hillsborough Transit Authority

a/k/a "Hillsborough Area Regional Transit Authority"

a/k/a "HARTline"

RULE CHAPTER TITLES:	RULE CHAPTER NOS.:
Authority Organization	30-100
Public Access and Information	30-200
Rulemaking Proceedings	30-300
Procurement – DBE Policy	30-500

PURPOSE AND EFFECT: The purpose of this rule development is to review the current polices and procedures and possible changes that are to be proposed for consistency with Chapter 120, Florida Statutes and to apply the procedures set forth in Chapter 120 to their development and adoption.

SUBJECT AREA TO BE ADDRESSED: Organizational structure of the Authority; policies and procedures related to public access to Authority meetings and information; and the Authorities rulemaking provisions and procedures. Will also continue discussion of the Authority's Disadvantaged Business Enterprise (DBE) policy for the purpose of refining language.

SPECIFIC AUTHORITY: 120.74(1), 163.568 FS.

LAW IMPLEMENTED: 69.0812, 120.54(2)(a), 120.74(1), 768.28, 768.301 FS.

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

TIME AND DATE: 10:00 a.m., July 19, 1999

PLACE: HARTline Executive Offices, 201 E. Kennedy Blvd., Suite 1600, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Gantous, 201 E. Kennedy Blvd., Suite 1600, Tampa, Florida, Phone (813)623-5835 or (813)223-6831, Fax (813)223-7976

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

HARTline intends to publish a Notice of Proposed Rulemaking the week of August 2, 1999.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance Home Care Unit

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Minimum Standards for Home	

Health Agencies 59A-8

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule, including rule reduction, minor changes to conform to federal regulation and changes in the Florida Statute, and language clarification. Rule reduction includes deletion of entries in the definition and licensure procedure sections. Conforming to federal regulations and

changes in the Florida Statute include background screening, hours of operation, and a variable survey cycle for state licensure. Language is added or changed to further clarify such areas as drop-off sites and satellite offices, supervision by skilled therapists, change of ownership procedures, partnerships, contracts, a home health agency's responsibilities in serving assisted living facility residents, and home health aide in-service training, among others.

SUBJECT AREA TO BE ADDRESSED: Minimum Standards for Home Health Agencies.

SPECIFIC AUTHORITY: 400.461-.497, 400.512-.518 FS.

LAW IMPLEMENTED: 400.461-.497, 400.512-.518 FS.

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

TIMES AND DATE: 10:00 a.m. – 12:00 noon; 1:00 p.m. – 3:00 p.m., July 27, 1999

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Gambill, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 204, Tallahassee, FL 32308, (850)414-6010. Agendas and copies of the initial draft rule can be obtained by contacting this office

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Fees RULE NO.: 61J1-2.001

PURPOSE AND EFFECT: The purpose and effect of the rule development workshop is to provide an opportunity to review the current fee for processing fingerprint cards, which permits the Board to search for criminal backgrounds of applicants.

SUBJECT AREA TO BE ADDRESSED: Currently, the Florida Department of Law Enforcement is the sole source the Board utilizes to search for criminal backgrounds of applicants. To allow the Federal Bureau of Investigation to perform an additional search, the fee requires an increase. This amended processing fee reflects the total actual amounts charged by the Florida Department of Law Enforcement and the Federal Bureau of Investigation.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.2281, 455.217, 475.6147, 475.615, 475.618, 475.619, 475.630 FS.

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

TIME AND DATE: 9:00 a.m., August 3, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61J1-2.001 Fees.
- (1) through (12) No change.
- (13) Fingerprint Processing Fee \$39.00 ~~\$15.00~~
- (14) No change.

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.2281, 455.217, 475.217, 475.6147, 475.615, 475.618, 475.619, 475.630 FS. History—New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Recreation and Parks**

DOCKET NO.: 99-23R

RULE CHAPTER TITLE: Operation of Division Recreation RULE CHAPTER NO.: 62D-2

Areas and Facilities RULE NOS.: 62D-2.013

Park Property and Resources 62D-2.014

Activities and Recreation 62D-2.014

PURPOSE AND EFFECT: Amendments to this rule require the control of invasive exotic plants on park properties; and allow pets in state park campgrounds pursuant to periodic evaluation of parks, establish evaluation criteria, and establish restrictions to be followed by pet owners.

SUBJECT AREA TO BE ADDRESSED: Invasive exotic plant control, and pets in state park campgrounds.

SPECIFIC AUTHORITY: 258.007(2) FS.

LAW IMPLEMENTED: 258.004, 258.007(2), 258.037 FS.

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

TIME AND DATE: 7:00 p.m., July 27, 1999

PLACE: Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida

TIME AND DATE: 7:00 p.m., July 28, 1999

PLACE: Kissimmee Civic Center, 201 East Dakin Avenue, Kissimmee, Florida

TIME AND DATE: 7:00 p.m., July 29 1999

PLACE: SeaTech Auditorium, Florida Atlantic University, 101 North Beach Road, Dania Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: George E. Apthorp, 3900 Commonwealth Boulevard, Mail Station 535, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62D-2.013 Park Property and Resources.

(4) Plant Life.

(a) All plant life, terrestrial, aquatic and aerial, is the property of the State of Florida. No person shall cut, carve, or damage the bark, or break off limbs or branches or mutilate in any way, or pick the flowers or seeds of any plant or tree. Nor shall any person dig in or otherwise disturb grass areas or in any other way impair the natural condition of any area; nor shall any person place debris or materials of any kind on or about any tree or plant or attach any rope or wire thereto.

(b) No person shall transplant or remove any plant life from any park, except as provided herein. The Division shall manage invasive exotic plants where appropriate for the restoration, maintenance, and preservation of certain plant communities.

Specific Authority 258.007(2) FS. Law Implemented 258.004, 258.007(2),(4), 258.037 FS. History--New 4-16-96, Amended 4-14-98.

62D-2.014 Activities and Recreation.

(13) Domestic Animals.

(a) No change.

(b) Domestic breeds of dogs, cats and other fur-bearing pets, except dog guides, service dogs and non-human primates of the genus Cebus, which are trained and registered for assisting the physically impaired, shall be excluded from the following places in a park: food-service areas, designated camping areas, cabins, bathing and swimming areas including land and water portions, park buildings, playgrounds, and other designated areas. Pets are permitted in all other nonrestricted areas subject to the following restrictions: if adequately restrained. Dogs must be kept on leashes no longer than six feet at all times.

1. All pets must be confined, leashed, or otherwise under the physical control of a person at all times. Leashes may not exceed six feet in length. This rule does not apply to horses and pack animals brought in for equestrian trail use.

2. Pets must be well behaved at all times. Pets must be confined in the owner's camping unit during designated quiet hours. Unconfined pets may not be left unattended for more than 30 minutes and must be leashed.

3. Pet owners shall pick up after their pets and properly dispose of all pet droppings in trash receptacles.

4. Pets which are noisy, vicious, dangerous, disturbing or intimidating to other persons, and pets which damage park resources are considered to be nuisances and will not be permitted to remain in the park.

5. Owners of dogs and cats and other pets, required by Florida Law to be vaccinated against rabies, must provide proof of rabies vaccination when registering to camp.

(c) Camping areas and other park areas will be evaluated, as to the suitability of pets, on a periodic basis as part of the unit management planning process. Areas of the park designated as prohibited for pets shall be determined based on park natural and cultural resources, primary recreational activities, camper and pet health and safety, geographical location and layout of camping areas, and the ability to provide a quality recreational experience for all visitors. A fee will be charged for each pet accompanying a camping party.

Specific Authority 258.007(2) FS. Law Implemented 258.004, 258.007(2) FS. History--New 4-16-96, Amended 4-14-98.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 64B12-8.020

PURPOSE AND EFFECT: The Board seeks to repeal subsections (3)(b) and (3)(i) of the rule due to the proposed repeal of Rule 64B12-10.004 for which the Board lacks legislative authority.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.627, 484.005 FS.

LAW IMPLEMENTED: 455.627 FS.

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

TIME AND DATE: 1:00 p.m., August 19, 1999

PLACE: Crowne Plaza, 700 N. Westshore Blvd., Tampa, Florida 33609

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, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-8.020 Disciplinary Guidelines.

(1) through (2) No change.

(3) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated 484.014(1)(g), F.S., by violating any of the following Board rules, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

(a) No change.

~~(b) Failure to display a current license pursuant to Rule 64B12-10.004, F.A.C. The usual action of the Board shall be to impose a penalty ranging from a \$500 fine and a reprimand for the first offense, a \$750 fine and up to suspension for the second offense, and a \$1,000 fine and up to suspension for the third offense.~~

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

~~(i) Failure to conspicuously display the certificate or copy of the certificate of a Board certified Optician in each place of business where the licensee fits contact lenses pursuant to Rule 64B12-10.009, F.A.C. The usual action of the Board shall be to impose a penalty ranging from a \$500 fine for the first offense, a \$750 fine for the second offense, and a \$1,000 fine for the third offense.~~

(j) through (q) renumbered (h) through (o) No change.

(4) through (5) No change.

Specific Authority 455.627, 484.005 FS. Law Implemented 455.627 FS. History—New 3-5-87, Amended 3-30-89, 4-22-90, 12-23-90, 1-27-93, Formerly 21P-8.020, Amended 5-2-94, Formerly 61G13-8.020, 59U-8.020, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLES: RULE NOS.:  
Licenses 64B12-10.004  
Change of Address 64B12-10.012

PURPOSE AND EFFECT: Rule 64B12-10.004 is being repealed in its entirety because the Board lacks the legislative authority to impose such a rule. Rule 64B12-10.012 is being amended in require notification of change of address by certified mail due to matters coming before the Board where the licensee states notification was mailed although the Board office has no record of receiving it.

SUBJECT AREA TO BE ADDRESSED: Standard of Practice for Licensed Opticians.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 455.717, 484.013(1), 484.001 FS.

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

TIME AND DATE: 1:00 p.m., August 19, 1999

PLACE: Crowne Plaza, 700 N. Westshore Blvd., Tampa, Florida 33609

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, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-10.004 Licenses.

Specific Authority 484.005 FS. Law Implemented 484.013(1), 484.001 FS. History—New 12-6-79, Formerly 21P-10.04, Amended 3-30-89, Formerly 21P-10.004, 61G13-10.004, 59U-10.004, Repealed \_\_\_\_\_.

64B12-10.012 Change of Address.

Each licensee shall notify the Board of any change of address by certified mail in writing within thirty (30) working days of the address change.

Specific Authority 484.005 FS. Law Implemented 455.717 FS. History—New 4-22-90, Formerly 21P-10.012, Amended 4-17-94, Formerly 61G13-10.012, 59U-10.012, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Fees 64B12-11

PURPOSE AND EFFECT: The Board seeks to review Rule Chapter 64B12-11 in its entirety for any grammatical, structural, or substantial text changes which it may deem necessary. Specifically, the Board wishes to consider adding a reapplication fee to Rule 64B12-11.004 for those retaking the exam and to determine whether the examination fee within Rule 64B12-11.002 is sufficient.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.564(2), 455.574(2), 455.587(6), 455.641, 455.711, 455.711(4), 455.711(8), 484.002, 484.005, 484.007, 484.007(1), 484.007(1)(a), 484.008, 484.008(1), 484.009(2) FS.

LAW IMPLEMENTED: 455.271, 455.564(2), 455.574(2), 455.587(6), 455.641, 455.711(8), 484.002, 484.005, 484.007, 484.007(1)(a), 484.007(1)(d), 484.008, 484.008(1), 484.009(2) FS.

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

TIME AND DATE: 1:00 p.m., August 19, 1999

PLACE: Crowne Plaza, 700 N. Westshore Blvd., Tampa, Florida 33609

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, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE CHAPTER TITLE: Inactive Licenses; Renewal, Reactivation and Expiration

RULE CHAPTER NO.: 64B12-12

PURPOSE AND EFFECT: The Board seeks to review Rule Chapter 64B12-12 in its entirety for any grammatical, structural, or substantial text changes which it may deem necessary. Specifically, the Board wishes to discuss the requirements for reactivating an inactive license.

SUBJECT AREA TO BE ADDRESSED: Active Status License Renewal, Inactive Status License.

SPECIFIC AUTHORITY: 455.711, 455.711(3), 484.005 FS.

LAW IMPLEMENTED: 455.711, 455.711(3), 484.008, 484.009 FS.

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

TIME AND DATE: 1:00 p.m., August 19, 1999

PLACE: Crowne Plaza, 700 N. Westshore Blvd., Tampa, Florida 33609

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, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE CHAPTER TITLE: Continuing Education

RULE CHAPTER NO.: 64B12-15

PURPOSE AND EFFECT: The Board seeks to review these rules in their entirety for any grammatical, structural, or substantial text changes which it may deem necessary. Specifically, the Board seeks to amend the rules in order to reduce the submissions by continuing education providers to the Board office.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 455.564(6), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 455.564(6), 484.008(3) FS.

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

TIME AND DATE: 1:00 p.m., August 19, 1999

PLACE: Crowne Plaza, 700 N. Westshore Blvd., Tampa, Florida 33609

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, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLE: Continuing Education Required for License Renewal

RULE NO.: 64B18-17.001

PURPOSE AND EFFECT: The Board proposes the reduction of the requirement for risk management continuing education from two hours to one hour.

SUBJECT AREA TO BE ADDRESSED: Continuing education in the area of risk management.

SPECIFIC AUTHORITY: 455.564(6), 455.604, 461.005, 461.007 FS.

LAW IMPLEMENTED: 455.564(6), 455.604, 461.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-17.001 Continuing Education Required for License Renewal.

(1) No change.

(2) All licensees who seek to renew the active status of their licensure must demonstrate that they have completed, during the previous two years, at least forty (40) hours of continuing education.

(a) At least one (1) ~~two (2)~~ of the forty (40) hours must concern the topic of risk management.

(b) through (e) No change.

(3) through (8) No change.

Specific Authority 455.564(6), 455.604, 461.005, 461.007 FS. Law Implemented 455.564(6), 455.604, 461.007 FS. History—New 11-24-80, Formerly 21T-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 21T-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE CHAPTER TITLE: Podiatric X-Ray Assistants  
RULE CHAPTER NO.: 64B18-24

PURPOSE AND EFFECT: The Board proposes the development of a rule or rules to implement the statutory provisions of sections 111 and 115, Chapter 99-397, Laws of Florida, with regard to certification of podiatric x-ray assistants.

SUBJECT AREA TO BE ADDRESSED: Certification and practice of podiatric x-ray assistants.

SPECIFIC AUTHORITY: ss. 111 and 115, Chapter 99-397, Laws of Florida, to be codified at 461.003, 461.0135 FS.

LAW IMPLEMENTED: ss. 111 and 115, Chapter 99-397, Laws of Florida, to be codified at 461.003, 461.0135 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Licensure by Examination: Proof  
RULE NO.: 64B19-11.0035

Satisfactory to the Board for the Purpose of Determining Eligibility for Examination

PURPOSE AND EFFECT: The Board proposes to review Subsections (1) through (5) to determine if amendments are necessary, and to discuss the deletion of Subsection (6) of this rule because during the 1999 legislative session this language was deleted from the statute and is no longer required in this rule.

SUBJECT AREA TO BE ADDRESSED: Proof satisfactory to the Board for the purpose of determining eligibility for examination.

SPECIFIC AUTHORITY: 455.564(2), 490.004(4), 490.005(1)(b) FS.

LAW IMPLEMENTED: 490.003(3), 490.005(1)(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 ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Initial Fee for Licensure  
RULE NO.: 64B19-12.0041

PURPOSE AND EFFECT: The Board proposes review this rule to determine if language should be added to address the requirements and fee to be charged for a wall certificate.

SUBJECT AREA TO BE ADDRESSED: Requirements and fee for a wall certificate.

SPECIFIC AUTHORITY: 455.587(4), 490.004(4) FS.

LAW IMPLEMENTED: 455.587 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLES: Exemption of Spouses of Members of  
RULE NOS.: 64B19-13.0015

Armed Forces from License Renewal Requirements

Continuing Psychological Education Credit 64B19-13.003

PURPOSE AND EFFECT: The Board proposes to create a new rule numbered 64B19-13.0015, which will address a spouse's exemption from license renewal if married to a

member of the armed forces. Rule 64B19-13.003 is being amended by the Board to include language to address continuing education credit in risk management.

SUBJECT AREA TO BE ADDRESSED: Exemption of spouses of members of armed forces from license renewal requirements; continuing education credit in risk management. SPECIFIC AUTHORITY: 455.507, 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 455.507, 455.564(6), 490.007(2), 490.0085(1),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE CHAPTER TITLE: Drinking Water Systems RULE CHAPTER NO.: 64E-8

PURPOSE AND EFFECT: The 1999 legislative session mandated specific changes in Chapter 381, F.S., that must be incorporated into the rule. Additionally, changes to the rule are proposed to incorporate current standards.

SUBJECT AREA TO BE ADDRESSED: Implementation of required changes, as well as modifications of the rule to reflect current standards. This will require the modification of several sections of the current rule.

SPECIFIC AUTHORITY: 381.0011, 381.006, 381.0062, 403.862 FS.

LAW IMPLEMENTED: 381.006, 381.0062, 403.862 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., Wednesday, July 28, 1999

PLACE: Department of Health, Building 6, Room 103, 317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pepe Menendez, Bureau of Water and Onsite Sewage Programs, HSEWOS, 2020 Capital Circle, S. E., Bin #A08 Tallahassee, FL 32399-1713

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program Office**

RULE TITLE: Child Care RULE NO.: 65A-1.519

PURPOSE AND EFFECT: This proposed rule amendment expands allowable qualifying reasons for transitional child care following loss of temporary cash assistance eligibility and revises statements about forms incorporated by reference. Additionally, criteria relating to an unemployed parent program are removed.

SUBJECT AREA TO BE ADDRESSED: This rule amendment will add increased child support as a reason for loss of temporary cash assistance eligibility that qualifies the participant for transitional child care for employment related purposes. Forms incorporated by reference in this rule are outdated and incorporation by reference statements must be revised. Additionally, criteria relating to receiving temporary cash assistance for less than three months is added in relation to eligibility for transitional child care, and statements relating to an unemployed parent program are removed.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.095(1) FS.

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

TIME AND DATE: 11:00 a.m., July 27, 1999

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 414-D, Tallahassee, FL 32399-0700

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Income and Resource Criteria RULE NO.: 65A-1.716

PURPOSE AND EFFECT: This rule amendment will revise the monthly poverty income guidelines and the food stamp utility standards used in the Medicaid program for applicants.

SUBJECT AREA TO BE ADDRESSED: This proposed amendment will bring current the federal poverty guidelines and food stamp utility standards used in the Medicaid program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP(S) WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 11:00 a.m., July 26, 1999  
 PLACE: Building 3, Room 414, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 412-D, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_  
 To be determined  
 PURPOSE AND EFFECT: This document creates minimum standards for child care facilities caring for mildly ill children. The following areas shall be addressed: personnel requirements; staff-to-child ratios; staff training and credentials; health and safety; physical facility requirements, including square footage; client eligibility, including a definition of "mildly ill children"; sanitation and safety; admission and record keeping; dispensing of medication; and a schedule of activities.  
 SUBJECT AREA TO BE ADDRESSED: Child Care for Mildly Ill Children.  
 SPECIFIC AUTHORITY: 402.305(17) FS.  
 LAW IMPLEMENTED: 402.305(17) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIMES AND DATES: 1:00 p.m., July 27, 1999; 8:30 a.m., July 28, 1999  
 PLACE: 1317 Winewood Blvd., Building 3, First Floor Conference Room (across from room 101-S), Tallahassee, FL 32399  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Pace-Brown, Specialist, 1317 Winewood Blvd., Building 7, Tallahassee, FL 32399  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: The purpose of the workshop will be to develop a new chapter, 65C-25, covering "Caring for Mildly Ill Children".

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

RULE TITLES: \_\_\_\_\_ RULE NOS.: \_\_\_\_\_  
 Staffing Requirements 65C-20.009  
 Health Records 65C-20.011  
 Large Family Day Care 65C-20.013  
 PURPOSE AND EFFECT: The modifications contained in this document will remove the requirement for written approval from the owner of the property, prior to the issuance of a license, when family day care homes are operated on a leased or rental property; will increase the number of required training hours for operators of family day care homes and their staff or substitutes; will eliminate the need to amend Chapter 65C-20, FAC, every time amendments to Chapter 64D-3, FAC, occur; will create minimum standards for regulation of large family child care homes.  
 SUBJECT AREA TO BE ADDRESSED: Family Day Care Standards.  
 SPECIFIC AUTHORITY: 402.302(8), 402.313, 402.3131 FS.  
 LAW IMPLEMENTED: 402.302(8), 402.313, 402.3131 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATES: 8:30 a.m., July 29-30, 1999  
 PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 3, First Floor Conference Room, Tallahassee, FL 32399  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Pace-Brown, Specialist, 1317 Winewood Blvd., Building 7, Tallahassee, FL 32399  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: (Note: The purpose of the workshop will be to draft rules.)

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE CHAPTER TITLE: \_\_\_\_\_ RULE CHAPTER NO.: \_\_\_\_\_  
 Community Alcohol, Drug Abuse and Mental Health Services \_\_\_\_\_  
 Financial Rules 65E-14  
 PURPOSE AND EFFECT: To implement the mandate under section 394.74(1), Florida Statutes, which requires the department to establish a unit cost method of payment for alcohol, drug abuse and mental health services and accountability of patient fees.  
 SUBJECT AREA TO BE ADDRESSED: Alcohol, Drug Abuse and Mental Health Services Unit Costs and Accountability of Patient Fees.

SPECIFIC AUTHORITY: 394.78(6) FS.  
 LAW IMPLEMENTED: 394.74(2)(b),(c) FS.  
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m. – 4:00 p.m., August 2, 1999  
 PLACE: 1317 Winewood Blvd., Building 4, Tallahassee, FL  
 THE PERSON TO BE CONTACTED WITH REGARD TO THE PROPOSED RULE DEVELOPMENT IS: Ron Manasa  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Student Performance Standards  
 PURPOSE AND EFFECT: This rule is being revised to provide student performance standards for students with disabilities entering ninth grade on or after the 1999-2000 school year in seeking a special diploma. The Sunshine State Standards for Special Diploma, 1999 are incorporated by reference and made a part of the rule to replace current student performance standards for special diploma for students in tenth through twelfth grades.

RULE NO.: 6A-1.09401

SUMMARY: This rule provides the State Standards for Special Diploma that will take effect for students entering the ninth grade on or after the 1999-2000 school year. These standards replace the current student performance standards for special diploma in effect for students in tenth through twelfth grades.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.565 FS.  
 LAW IMPLEMENTED: 229.565, 229.57, 232.245, 232.2454 FS.

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

TIME AND DATE: 9:00 a.m., August 12, 1999  
 PLACE: Room LL03, The Capitol, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Mosrie, Director, Division of Public Schools and Community Services, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09401 Student Performance Standards.

(1) Standards to benchmark student achievement serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. The benchmarked standards in paragraphs (1)(a)-(1)(g) of this rule describe what students should know and be able to do at four progression levels (grades Prek-2, 3-5, 6-8, 9-12) in the subjects of the arts, health/physical education, foreign languages, language arts, mathematics, science, and social studies. Sunshine State Standards for Special Diploma as incorporated by reference in paragraph (1)(h) of this rule describe what certain students with a disability should be able to do at three (3) proficiency levels (independent, supported, and participatory). Public schools shall provide appropriate instruction to assist students in the achievement of these standards. These standards and benchmarks are contained in the following publications and are hereby incorporated by reference and made a part of this rule.

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

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

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

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

Specific Authority ~~229.053(1)~~, 229.565 FS. Law Implemented 229.565, 229.57, 232.245, 232.2454 FS. History–New 6-18-96, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John A. Stewart, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Minimum Student Performance Standards  
RULE NO.: 6A-1.0941

PURPOSE AND EFFECT: This rule deletes reference to outdated publications and changes effective dates for Minimum Student Performance Standards for Florida schools 1994-95 through 2002-2003 (formerly through 1998-99) and Student Performance Standards for Florida Schools 1996-97 through 2001-2002 (formerly through 2000-2001). The effect of the amendment is to have standards for students in Florida schools in place for graduation requirement purposes.

SUMMARY: This rule deletes reference to outdated publications and changes effective dates for Minimum Student Performance Standards for Florida schools 1994-95 through 2002-2003 (formerly through 1998-99) and Student Performance Standards for Florida Schools 1996-97 through 2001-2002 (formerly through 2000-2001).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.565(1), 232.245 FS.

LAW IMPLEMENTED: 229.053(2)(a), 229.565(1), 229.57(3)(a)(c), 232.246(6)(a)(b) FS.

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

TIME AND DATE: 9:00 a.m., August 12, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Mosrie, Director, Division of Public Schools and Community Services, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0941 Minimum Student Performance Standards.

State adopted minimum student performance standards approved by the State Board of Education are contained in the publications listed below which are hereby incorporated by this rule and made a part of the rules of the State Board of Education. Copies of these publications may be obtained from the Educational Products Distribution Section, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida, 32399 at a price to be established by the Commissioner but which shall not exceed actual cost.

~~(1) Minimum student performance standards for Florida schools 1985-86 through 1993-94, for beginning grades 3, 5, 8, and 11 — reading, writing, and mathematics and for functional communication and mathematics skills for grade 11 and~~

Minimum Student Performance Standards for Florida schools 1994-95 through ~~2002-2003~~ 1998-99, for beginning grades 3, 5, 8, and 11 — reading, writing, and mathematics and for functional communication and mathematics skills for grade 11.

~~(2) Minimum student performance standards for Florida schools 1986-87 through 1993-94, for beginning grades 3, 5, 8 and 11 — science and computer literacy.~~

~~(3) Minimum student performance standards for Florida schools 1989-90 through 1993-94, for beginning grades 3, 5, 8 and 11 — history, government, economics, and geography.~~

~~(4) Minimum student performance standards for Florida schools 1985-86 through 1995-96, exceptional students in the following programs:~~

~~(a) Hearing impaired students.~~

~~1. Pre-kindergarten — Developmental skills, auditory development, language development, writing (penmanship), and mathematics.~~

~~2. Grades 3, 5, 8 and 11 — Reading, writing, and mathematics.~~

~~(b) Educable mentally handicapped students. Grades 3, 5, 8, and 11 — Reading, writing, mathematics, social personal skills, and basic career skills.~~

~~(c) Trainable mentally handicapped students. Grades 3, 5, 8, and 11 — Fundamental skills, social skills, and pre-vocational skills.~~

~~(2)(5) Student performance standards for Florida Schools 1996-97 through 2001-2002~~ 2000-2001, exceptional students — reading, writing, language, mathematics, and social and personal.

Specific Authority ~~229.053(1), 229.565(1), 232.245, 232.246~~ FS. Law Implemented 229.053(2)(a), 229.565(1), 229.57(3)(a)(c), ~~230.2319, 232.246(6)(a)(b)~~ FS. History—New 4-28-77, Amended 5-24-79, 7-16-79, 4-10-80, 3-4-84, 5-24-84, 11-27-85, Formerly 6A-1.941, Amended 5-16-89, 5-16-90, 6-14-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: John A. Stewart, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Course Descriptions for Grades 6-12, Exceptional Student Education  
RULE NO.: 6A-1.09414

PURPOSE AND EFFECT: This rule is revised to provide course descriptions to be consistent with state standards for special diploma as proposed for students entering the ninth

grade on or after the 1999-2000 school year seeking a special diploma. The Florida Course Descriptions for Grades 6-12, Exceptional Student Education, 1999 is a guideline for school district personnel providing instruction for subject areas consistent with the Course Code Directory and Instructional Personnel Assignments.

SUMMARY: This revision removes from rule outdated documents and incorporates by reference Florida Course Descriptions for Grades 6-12, Exceptional Student Education, 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.565(1), 230.23(7), 232.247 FS.

LAW IMPLEMENTED: 229.592, 230.23(7), 232.2454, 232.247, 233.09 FS.

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

TIME AND DATE: 9:00 a.m., August 12, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Mosrie, Director, Division of Public Schools and Community Services, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09414 Course Descriptions for Grades 6-12, Curriculum Frameworks for Grades 9-12, Exceptional Student Education Courses.

A course description curriculum framework is a broad guideline which directs district personnel by providing specific instructional plans for a given subject area or area of study and which is consistent with the "Course Code Directory and Instructional Personnel Assignments" adopted in Rule 6A-1.09441, FAC. The document, "Florida Course Descriptions for Grades 6-12, Exceptional Student Education, 1999" is "Curriculum Frameworks for Grades 9-12, Exceptional Student Education Courses With Suggested Course Student Performance Standards, Revised 1991" and "Curriculum Frameworks for Grades 9-12, Exceptional Student Education Courses, 1994 Supplement," are hereby incorporated by reference and made a part of the rules of the State Board. Copies of these documents may be obtained from the Educational Products Distribution Section, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

(1) District school board variance authority. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description intended outcomes of each framework.

(2) Commissioner of Education waiver authority. The Commissioner of Education may approve a school's waiver request submitted by a district school board, to allow the school to substitute locally approved course requirements intended outcomes provided that locally approved requirements outcomes specified for the state approved course adequately address the major concepts/content and Sunshine State Standards for Special Diploma contained in the course description curriculum framework, and the waiver request fulfills the provisions of and as submitted in accordance with procedures specified in Section 229.592, Florida Statutes.

Specific Authority ~~229.053(1), 229.565(1), 230.23(7), 232.247, 233.011(3)(a)~~ FS. Law Implemented 229.592, 230.23(7), 232.2454, 232.247, 233.09-~~233.011, 233.165~~ FS. History--New 7-9-86, Amended 12-28-86, 12-13-88, 12-11-89, 11-12-91, 6-6-93, 10-18-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John A. Stewart, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Graduation Requirements for Certain Students with Disabilities

RULE NO.:

6A-1.0996

PURPOSE AND EFFECT: This rule provides graduation requirements for students with disabilities to obtain a special diploma. The rule is being revised to reference student performance standards for students with disabilities entering the ninth grade on or after the 1999-2000 school year who are seeking a special diploma. The effect of the rule revision will be to have a rule relating to exceptional student education that best meets the needs of students with disabilities.

SUMMARY: This rule will provide standards for students with disabilities working toward a special diploma. The standards would go into effect for students entering the ninth grade on or after the 1999-2000 school year. Changes to the rule include: specification of special diploma requirements for students at three levels of functioning (independence, supported and participatory); provision for obtaining a special diploma if Sunshine State Standards are mastered through successful completion of courses that meet graduation requirements for a

standard diploma in lieu of mastery of special diploma standards (for those students who pass courses toward graduation for a standard diploma and have not passed the state assessment required for graduation); and continuation of options 1 and 2 for special diploma.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.565(1), 232.247 FS.

LAW IMPLEMENTED: 230.23(6)(a), 232.247 FS.

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

TIME AND DATE: 9:00 a.m., August 12, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Mosrie, Director, Division of Public Schools and Community Services, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0996 Graduation Requirements for Certain ~~Exceptional~~ Students with Disabilities.

Each school board shall, pursuant to Section 232.247, Florida Statutes, prescribe special requirements for graduation for students who have been properly identified as educable mentally handicapped, trainable mentally handicapped, hearing impaired, specific learning disabled, emotionally handicapped, profoundly handicapped, physically impaired, or language impaired. The school board shall make provision for each student to use basic, vocational, and exceptional student education courses as appropriate for meeting graduation requirements. Any such student completing the special requirements shall be awarded a Special Diploma in the form prescribed by Rule 6A-1.0995(2), FAC.

(1) Special Diploma Options. ~~Effective with the 1994-95 school year, school boards may award Special Diplomas based on two (2) options.~~

(a) One option shall include procedures for determining and certifying mastery of student performance standards for a special diploma for students who enter ninth grade in or before school year 1998-1999 ~~exceptional students~~ as prescribed in subsections (3)-~~(11)~~(10) of this rule; or higher levels of student performance standards for ~~exceptional~~ students with disabilities adopted by the district school board; and minimum number of course credits specified by the district school board. For students entering ninth grade in or after 1999-2000 mastery is determined as indicated in subsections (12)-(13) of this rule.

(b) The second option shall include procedures for determining and certifying mastery of demonstrated employment and community competencies in accordance with subsection ~~(14)~~(12) of this rule.

(2) Diploma procedures. Each school board shall develop procedures for ensuring that students may select and move between the Special Diploma options prescribed in subsection (1) of this rule, if both options are provided by the school district, and between courses of study leading to Standard or Special Diplomas, as appropriate.

(a) The individual educational plan (IEP) committee shall document whether the student is pursuing a course of study leading toward a Standard or Special Diploma on the IEP developed during the student's eighth grade year, or the IEP developed during the school year of prior to the student's fourteenth ~~sixteenth~~ birthday, whichever occurs first. This decision shall be reviewed annually.

(b) Nothing contained in this rule shall be construed to limit or restrict the right of ~~an exceptional~~ student with a disability solely to a Special Diploma. The parents of each ~~exceptional~~ student eligible for a Special Diploma for ~~exceptional~~ students shall be notified through the IEP process in writing of the options available under this rule ~~prior to tenth grade testing~~.

(c) Special Diploma requirements shall be included in the district pupil progression plan adopted pursuant to Section 232.245, Florida Statutes.

(3) Educable mentally handicapped. Student performance standards for students identified as educable mentally handicapped shall include:

~~(a) For students graduating prior to the school year 1996-97, mastery of the eleventh grade, student performance standards for students identified as educable mentally handicapped as prescribed by Rule 6A-1.0941, FAC.; or~~

~~(a)(b) Beginning with the school year 1996-97, m~~Mastery of the following student performance standards at the levels of for exceptional students as prescribed by Rule 6A-1.0941, FAC.; Reading, Level IV; Writing, Level V; Language, Level V; Mathematics, Level V; and Social and Personal, Level V as adopted by Rule 6A-1.0941, FAC.; and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as educable mentally handicapped.

(4) Trainable mentally handicapped. Student performance standards for students identified as trainable mentally handicapped shall include:

~~(a) For students graduating prior to the school year 1996-97, mastery of the eleventh grade, student performance standards for students identified as trainable mentally handicapped as prescribed by Rule 6A-1.0941, FAC.; or~~

~~(a)(b) Beginning with school year 1996-97, m~~Mastery of the following student performance standards at the levels of for exceptional students as prescribed by Rule 6A-1.0941, FAC.;



Reading, Level III; Writing, Level IV; Language, Level III; Mathematics, Level III; and Social and Personal, Level III as adopted by Rule 6A-1.0941, FAC.; and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as trainable mentally handicapped.

(5) Hearing impaired. Student performance standards for students identified as hearing impaired shall include:

~~(a)~~ For students graduating prior to the school year 1996-97, mastery of the eleventh grade, student performance standards for students identified as hearing impaired as prescribed by Rule 6A-1.0941, FAC.; or

~~(a)(b)~~ Beginning with school year 1996-97, ~~m~~Mastery of the following student performance standards at the levels of for exceptional students as prescribed by Rule 6A-1.0941, FAC.: Reading, Level V; Writing, Level V; Language, Level IV; Mathematics, Level V; and Social and Personal, Level V as adopted by Rule 6A-1.0941, FAC.; and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as hearing impaired.

(6) Physically impaired. Student performance standards for students identified as physically impaired shall include:

~~(a)~~ For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for students identified as educable mentally handicapped as prescribed by Rule 6A-1.0941, FAC.; or

~~(a)(b)~~ Beginning with school year 1996-97, ~~m~~Mastery of the following student performance standards at the levels of for exceptional students as prescribed by Rule 6A-1.0941, FAC., Reading, Level V; Writing, Level V; Language, Level III; Mathematics, Level V; and Social and Personal, Level V as adopted by Rule 6A-1.0941, FAC.; and

(c) Completion of the minimum number of course credits prescribed by the school board for students identified as physically impaired.

(7) Language impaired. Student performance standards for students identified as language impaired shall include:

~~(a)~~ For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for any other exceptional students identified in this rule, as appropriate, shall be specified in the student's IEP; or

~~(a)(b)~~ Beginning with school year 1996-97, ~~m~~Mastery of the following student performance standards at the levels of for exceptional students as prescribed by Rule 6A-1.0941, FAC., Reading, Level V; Writing, Level V; Language, Level III; Mathematics, Level V; and Social and Personal, Level VI as adopted by Rule 6A-1.0941, FAC.; and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as language impaired.

(8) Emotionally handicapped. Student performance standards for students identified as emotionally handicapped shall include:

~~(a)~~ For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for students identified as educable mentally handicapped as prescribed by Rule 6A-1.0941, FAC.; or

~~(a)(b)~~ Beginning with school year 1996-97, ~~m~~Mastery of the following student performance standards at the levels of for exceptional students as prescribed by Rule 6A-1.0941, FAC.: Reading, Level V; Writing, Level V; Language, Level V; Mathematics, Level V; and Social and Personal, Level IV as adopted by Rule 6A-1.0941, FAC.; and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as emotionally handicapped.

(9) Specific learning disabilities. Student performance standards for students identified as specific learning disabled shall include:

~~(a)~~ For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for students identified as educable mentally handicapped as prescribed by Rule 6A-1.0941, FAC.; or

~~(a)(b)~~ Beginning with school year 1996-97, ~~m~~Mastery of the following student performance standards at the levels of for exceptional students as prescribed by Rule 6A-1.0941, FAC.: Reading, Level V; Writing, Level V; Language, Level VI; Mathematics, Level V; and Social and Personal, Level V as adopted by Rule 6A-1.0941, FAC.; and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as specific learning disabled.

(10) Profoundly handicapped. Student performance standards for students identified as profoundly handicapped.

(a) Students with profound handicaps shall include students identified as profoundly mentally handicapped, dual-sensory impaired, autistic, or severely emotionally disturbed as defined by Rule 6A-6.03021, FAC., and

(b) The determination of the requirements for a Special Diploma for students identified as profoundly handicapped shall be consistent with the requirements for any other exceptional students identified in this rule and shall be specified in the student's IEP.

(11) Eleventh grade student performance standards. For exceptional students defined in this rule, mastery of the eleventh grade, student performance standards, through successful completion of courses, as defined in Rule 6A-1.0941(1), FAC., shall be accepted in lieu of mastery of the student performance standards noted above for awarding of a special diploma.

(12) Special diploma requirements. For students entering ninth grade in or after 1999-2000, special diploma requirements shall include:

(a) demonstration of proficiency at the independent, supported, or participatory level of each Sunshine State Standard for Special Diploma prescribed in Rule 6A-1.09401(1)(h), FAC., as determined through the IEP process, and

(b) completion of the minimum number of course credits for a special diploma as prescribed by the school board.

(13) Sunshine State Standards. For students with disabilities as defined in this rule, mastery of the Sunshine State Standards through successful completion of courses that meet graduation requirements for a standard diploma, specified in Rule 6A-1.09401(1)(a)-(g), FAC., shall be accepted in lieu of Sunshine State Standards for Special Diploma noted in subsection (12) of this rule for awarding of a special diploma.

~~(14)~~(12) Employment and community competencies. Each school board's requirements for demonstration of mastery of specified employment and community competencies shall ensure:

(a) The student has achieved all the annual goals and short-term objectives which were specified on the IEP related to the employment and community competencies;

(b) The student is employed in a community-based job, for the number of hours per week specified in the student's training plan, for the equivalent of one (1) semester, and paid a minimum wage in compliance with the requirements of the Fair Labor Standards Act;

(c) The student has mastered the employment and community competencies specified in a training plan. The training plan shall be developed and signed by the student, parent, teacher, and employer prior to placement in employment and shall identify the following:

1. The expected employment and community competencies;
2. The criteria for determining and certifying mastery of the competencies;
3. The work schedule and the minimum number of hours to be worked per week; and
4. A description of the supervision to be provided by school district staff.

Specific Authority ~~229.565(1), 229.053(1),~~ 232.247 FS. Law Implemented 230.23(6)(a), 232.247 FS. History--New 10-30-88, Amended 6-14-94, ~~\_\_\_\_\_~~. c.f. Minimum Student Performance Standards for Florida Schools 1994-95 through 2002-2003, 1995-96, 1996-97, 1997-98, 1998-99 Beginning Grades 3, 5, 8, and 11, Reading, Writing, and Mathematics ~~Minimum Student Performance Standards for Florida Schools 1985-86, 1986-87, 1987-88, 1988-89, 1989-90, 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96~~ Exceptional Student Programs for Students Identified as Hearing Impaired, ~~Programs for Students Identified as Educable Mentally Handicapped, and Programs for Students Identified as Trainable Mentally Handicapped~~ Student Performance Standards for Florida Schools 1996-97 through 2001-2002, 1997-98, 1998-99, 1999-2000, 2000-2001 Exceptional Students, Reading, Writing, Language, Mathematics, and Social and Personal Sunshine State Standards for Special Diploma, 1999

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John A. Stewart, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Teacher Certification Examination

RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the revised set of competencies and skills required for professional teacher certification in Florida. In addition forms CG-20 and CG-22 have been updated. The effect will be the availability of updated forms for the examination and that revised competencies and skills will be used on the Florida Teacher Certification Examination and may be accessed by professional certification candidates, professors, and other interested individuals.

SUMMARY: This rule is amended to adopt the revised competencies and skills required for Florida professional teacher certification as well as updated application forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 231.15(1), 231.17(4)(5)(8)(11), 231.30 FS.

LAW IMPLEMENTED: 231.145, 231.15, 231.17, 231.30 FS.  
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., August 12, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Mosrie, Director, Division of Public Schools and Community Services, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examination.

(2) Description of the examination and competencies to be demonstrated.

(c) The following competencies are to be demonstrated by means of the written examination:

9. The professional competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, ~~Sixth~~ Fifth Edition" which is

hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained from the Department of Education, The Florida Education Center, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

10. The subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Sixth Fifth Edition" which is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained as described in subparagraph (2)(c)9. of this rule.

(4) Registration, late registration and refunds.

(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application which shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. A complete application shall consist of the following:

a. A completed application Form CG-20-99, Florida Teacher Certification Examination Registration Application or Form CG-22-99, FTCE/FELE Florida Teacher Certification Examination Supplemental Registration Application, which includes the applicant's signature. Form CG-20-99, Florida Teacher Certification Examination Registration Application and Form CG-22-99, FTCE/FELE Florida Teacher Certification Supplemental Registration Application, effective October 1999 November, 1993 are hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Bureau of Teacher Certification, Florida Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(9) Scoring of the subject area specialty subtests.

(k) The subject area specialty subtests approved for use in the Florida Teacher Certification Examination are listed by subject area in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Sixth Fifth Edition."

(16) This rule shall become effective October 1, 1999.

Specific Authority ~~229.053(1)~~, 231.15(1), 231.17(2)(4)(5)(8)(11), 231.30 FS. Law Implemented ~~229.053~~, 231.145, 231.15, 231.17, 231.30 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: John A. Stewart, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 1999

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Definitions of Terms Used in Vocational Education and Adult Education Programs

RULE NO.: 6A-6.055

PURPOSE AND EFFECT: This rule is being amended to comply with changes made by the Legislature. The effect will be a rule with accurately reflects current statutory language and legislative intent. With the creation of the Workforce Development Education Fund and standardized program lengths, requirements related to the number of hours per week are no longer relevant.

SUMMARY: This rule sets common definitions for vocational and adult education programs offered in school districts and community colleges. The change deletes references to the number of hours that can be reported for funding purposes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 239.205 FS.

LAW IMPLEMENTED: 228.061(4), 229.551(1)(g), 233.068, 239.205 FS.

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

TIME AND DATE: 9:00 a.m., August 12, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joseph Stephens, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 744, Tallahassee, Florida 32399-0400, (850)488-8961

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.055 Definitions of Terms Used in Vocational Education and Adult Programs.

(1) Definitions of terms necessary for managing a uniform coordinated system of vocational education for all levels of the state system of public education shall be published by the Commissioner in a document titled, "Applied Technology and Adult Education Acronyms and Definitions, Second Edition" "~~Definitions for Vocational Education in Florida~~" with a ~~designation of the effective date~~. These definitions are hereby incorporated in this rule and made a part of the rules of the State Board.

(2) Student membership hour. A student membership hour is defined as one (1) student in membership for sixty (60) minutes exclusive of time for change of class when engaged in on-campus laboratory, shop or classroom instruction, or at an approved on- the-job training station to which he or she has been assigned by proper authority, or away from school and engaged in an educational activity which constitutes a part of the school approved instructional program for that student.

(3) Maximum funding hours for cooperative education. In no case shall a secondary student enrolled in a secondary job preparatory program utilizing the cooperative education method of instruction or other types of programs incorporating on-the-job training be counted for more than twenty-five (25) clock hours per week of combined membership as prescribed by Rule 6A-6.055(2), FAC.

~~(4) A postsecondary student enrolled in a job preparatory postsecondary adult program may be counted for more than twenty-five (25) clock hours per week. However, a student enrolled in a job preparatory program incorporating on-the-job training, including apprenticeship, may not be counted for more than twenty-five (25) clock hours per week combined membership in that program.~~

Specific Authority ~~239.205~~ ~~229.053(4)~~ FS. Law Implemented 228.061(4), 229.551(1)(g), 233.068, ~~239.205~~ FS. History--Amended 8-9-68, 4-11-70, 9-17-72, Revised 4-19-74, Repromulgated 12-5-74, Amended 5-25-82, Formerly 6A-6.55, Amended 7-20-89,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John A. Stewart, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Responsibilities for the School Food Service Program  
RULE NO.: 6A-7.042

PURPOSE AND EFFECT: This rule is proposed to be amended to allow school districts flexibility relating to the sale of food and beverage items in competition with the district approved school food service program. In addition, forms incorporated by reference are recommended for adoption as updated. The effect is to grant more local control to school boards and to incorporate the recently updated administrative forms.

SUMMARY: This rule is amended to grant to school boards the option of selling carbonated beverages to students in high schools by a school activity or organization authorized by the

principal. Carbonated beverages may only be sold if a beverage of one-hundred percent fruit juice is sold at the same location and may not be sold where breakfast or lunch is being served or eaten.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 228.195(2), 229.053(1) FS.

LAW IMPLEMENTED: 228.195, 229.053(2)(l), 230.23(16) FS.

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

TIME AND DATE: 9:00 a.m., August 12, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne V. Pierson, Deputy Commissioner of Planning, Budgeting and Management, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400, (850)488-6539

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-7.042 Responsibilities for the School Food Service Program.

(2) Each district school board shall have the following responsibilities:

(c) To ~~control~~ ~~prohibit~~ the sale of food and beverage items in competition with the district approved food service program, including those classified as "foods of minimal nutritional value," listed in Code of Federal Regulations 210, Appendix B. These items may be sold in secondary schools only, with the approval of the school board, one (1) hour following the close of the last lunch period. A school board may allow the sale of carbonated beverages to students in high schools by a school activity or organization authorized by the principal at all times if a beverage of one hundred (100) percent fruit juice is sold at each location where carbonated beverages are sold. However, carbonated beverages may not be sold where breakfast or lunch is being served or eaten. Non-carbonated beverages, including one hundred (100) percent fruit juice, may be sold at all times during the day at any location. Consideration should be given to allowing only the sale of nutritious food and beverage items which meet at least United States Department of Agriculture dietary guidelines for Americans.

(4) Forms ESE 156, Preaward Nondiscrimination Compliance Review Summer Food Service Program for Children; ESE 195, Monthly Claim for Reimbursement Summer Food Service Program for Children; ESE 196, Summer Food Service Program for Children Application for Participation; ESE 197, Summer Food Service Program for

Children Site Information Sheet; ESE 198, Summer Food Service Program for Children Agreement; ~~ESE 473, Request for Advance Funds—1985 Summer Food Service Program for Children; ESE 486, Summer Food Service Program for Children Monitor's Site Review Form; ESE 176, Child Care Food Program Start Up Application/Agreement for Recruiting Day Care Homes; ESE 367, Monthly Reimbursement Voucher Child Care Food Program; ESE 490, Child Care Food Program Application, Agreement & Policy Statement; ESE 535, Child Care Food Program Change in Food Service Program Application; ESE 003, Food Service Special Revenue Financial Report; ESE 157, Application for Change in Food Service Program; ESE 160, Requisition for Reimbursement; ESE 174, Monthly Reimbursement Voucher School Lunch and Breakfast Programs; ESE 177, Monthly Reimbursement Voucher Special Milk (Only) Program; ESE 178, Nonprofit Private School/Institution Financial Report Statement; ESE 299, Civil Rights Compliance Annual Report, and ESE 491, National School Lunch, School Breakfast and Commodity School Child Nutrition Program Application, Agreement & Policy Statement; ESE 472, Special Milk Program for Children Application, Agreement and Policy Statement; and are incorporated by reference in this rule to become effective July, 1985.~~ Form ESE 080, Breakfast Program Supplement Report ~~are~~ is hereby incorporated by reference and made a part of this rule to become effective ~~September, 1999~~ May, 1999. These forms may be obtained from the Administrator of Information Services and Accountability, Division of Technology and Administration Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

Specific Authority 228.195(2), 229.053(1) FS. Law Implemented 228.195, 229.053(2)(1), 230.23(16) FS. History—Amended 3-26-66, 4-17-72, 4-19-73, 10-20-73, Revised 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 10-18-77, 12-11-79, 1-7-81, 7-28-81, 9-23-81, 6-28-83, 10-15-84, 7-10-85, Formerly 6A-7.42, Amended 5-3-88, 5-16-90, 6-30-92, \_\_\_\_\_, c.f. National School Lunch Act as amended (42 USC) Sections 4 and 11, and Child Nutrition Act of 1966 as amended (42 USC) Sections 4 and 5, 7 CFR, Part 210, Section 210.6, CFR 210, Appendix B, CFR Parts 215, 220, 225, 226, 227, 235, 240, 245, 250, and 252.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Federal Family Education Loan Program  
 RULE NO.: 6A-20.099

PURPOSE AND EFFECT: Procedures for this program are governed by the Higher Education Act of 1965 as amended, and by federal regulations specific to the program and do not need to be restated in State Board Rule. Subsections (2) through (4) of the rule are to be deleted to eliminate this unnecessary duplication.

SUMMARY: Subsections (2) through (4) duplicate provisions of the Higher Education Act of 1965 as amended. To eliminate the duplication, they are to be removed from the Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 240.424(1) FS.

LAW IMPLEMENTED: 240.424, 240.429, 240.431, 240.465 FS.

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

TIME AND DATE: 9:00 a.m., August 12, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: C. Wayne Hood, Director, Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Room 255, Collins Building, Tallahassee, Florida 32399-0400, (850)488-4905

**THE FULL TEXT OF THE PROPOSED RULE IS:**

6A-20.099 Florida Federal Family Education Loan Program.

(4) General purpose and authority of the Department of Education as the state guarantee agency. The primary purpose of the Florida Federal Family Education Loan Program (FFFELP) is to provide financial assistance to students in pursuit of postsecondary education. The Department of Education, hereinafter referred to as the Department, shall serve as the designated agency within the state to administer student loans and loan guarantees authorized by law for persons determined eligible under the applicable provisions of the Higher Education Act of 1965 as amended (ACT). The Department shall ensure that its programs meet the requirements of 34 CFR 600, 34 CFR 668 and 34 CFR 682. The Department shall require participating parties in the FFFELP to comply with the ACT and the Code of Federal regulations as cited herein in this subsection.

~~(2) Lender of Last Resort. The Department shall implement the provisions to administer this program in accordance with the provision of the Act and 34 CFR 600, 34 CFR 668 and 34 CFR 682. Lenders that make FFFELP loans equaling or exceeding five (5) percent, by dollar volume, for the total loans made under the FFFELP during a state fiscal year shall, upon the Department's request, be required to serve as a lender of last resort for the next state fiscal year. Florida Lender of Last Resort loans shall be assigned to lenders of last resort on a rotation basis and in proportion to the corresponding total individual FFFELP loan dollar volume made by such lenders.~~

~~(3) Eligible Buyers. The Department shall permit a lender or holder to sell FFFELP Loans only to approved secondary markets and to other eligible lenders.~~

~~(4) Note Transfers. The Department shall require that lenders comply with the following loan transfer procedures:~~

~~(a) A FFFELP Loan note transferred from one lender to another shall individually bear effective words of "Pay to the Order of \_\_\_\_\_ without recourse on us or any of us.", or shall be subject to a blanket endorsement with other notes being assigned. Either the blanket endorsement or the note shall include the name of the seller and be signed and dated by an authorized official of the seller. If a blanket endorsement is used, each promissory note offered for purchase shall bear the following written reference to the blanket endorsement document: "Notice: This note is assigned in accordance with the \_\_\_\_\_ attached. \_\_\_\_\_ Assignment \_\_\_\_\_ date: \_\_\_\_\_ Signed: \_\_\_\_\_."~~

~~(b) Assignment of the promissory note. Payment of a claim shall be contingent upon receipt from the lender of an assignment to the State of Florida of all right, title, and interest in the note. The assignment shall bear effective words of "Pay to the order of the State of Florida, Department of Education without recourse on us or any of us. (name of lender), By (signature of authorized officer), (name and title of authorized officer), (name and title of authorized officer), (date)." The lender shall not share in any amounts collected from the borrower by the Department on a loan assigned to the Department.~~

Specific Authority ~~229.053(1)~~, 240.424(1) FS. Law Implemented 240.424, 240.429, 240.431, 240.465 FS. History—New 4-19-96, Amended \_\_\_\_\_. c.f. Title 34, Parts 600, 668 and 628, Code of Federal Regulations

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 2, 1998

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Philosophy  
RULE NO.: 6D-2.002

PURPOSE AND EFFECT: The purpose of this Rule is to establish the philosophy and mission of the Florida School for the Deaf and the Blind.

SUMMARY: This rule describes the philosophy and mission of the Florida School for the Deaf and the Blind.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.3305(2) FS., Chapter 99-280, L.O.F.

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

TIME AND DATE: 9:00 a.m., August 14, 1999

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-2.002 Philosophy.

The Florida School for the Deaf and the blind is a part of the public school system of the State, and has for its objective the education of hearing impaired and visually impaired students of the State, who meet enrollment criteria. The School provides support services which promote appropriate education and appropriate related evaluation and counseling services to sensory impaired students in the State. The mission of the Florida School for the Deaf and the Blind, As a Center of Excellence, is to utilize all available talent, energy, and resources to provide free appropriate public education for eligible sensory-impaired hearing-impaired and visually-impaired students of Florida offer educational opportunities which promote the development of healthy minds and bodies; and provide adult lives of independence and self-sufficiently, meaningful personal, family and community lives, and useful, productive occupational lives. As a school of academic excellence, the school shall strive to provide students and opportunity to maximize their individual potential in a caring, safe, unique learning environment to prepare them to be literate, employable, and independent life-long learners. The

school shall encourage input from students, staff, parents, and the community. As a diverse organization, the school shall foster respect and understanding for each individual.

Specific Authority 242.331(3) FS. Law Implemented 242.3305(2) FS., Chapter 99-280, L.O.F. History--New 12-19-74, Amended 8-26-86, 4-8-92,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 1999

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Human Resource, Management and Development  
RULE NO.: 6D-16.002

PURPOSE AND EFFECT: The purpose of this Rule is to establish the role of the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes guidelines for the Florida School for the Deaf and the Human Resource Management and Development Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

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

TIME AND DATE: 9:00 a.m., August 14, 1999

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-16.002 Human Resource, Management and Development.

(1) through (4) No change.

(5) The Human Resource Management and Development Policies and procedures Manual revised, ~~August 1999~~ ~~August, 1998~~, adopted by the Board of Trustees pursuant to the provisions of sections 242.331(3), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

(6) No change.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History--New 10-26-94, Amended 11-30-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 1999

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Logo Sign Program  
RULE CHAPTER NO.: 14-85

RULE TITLE: Logo Sign Program  
RULE NO.: 14-85.004

PURPOSE AND EFFECT: Rule 14-85.004 is being amended to correct the inadvertent deletion of 14-85.004(11)(e)4. in the May 25, 1999, amendment. In response to questions resulting from the Joint Administrative Procedures Committee review, a new 14-85.004(11)(e)4. was added and the intent was to renumber the existing "4." to "5." However, in the change notice and in the final filed version of the rule amendment, the new "4." was added and the existing "4." was deleted.

SUMMARY: This is an editorial amendment to reinstate the language of the previous 14-85.004(11)(e)4. as a new 14-85.004(11)(e)5.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(27), 479.261 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-85.004 Logo Sign Program.

(1) through (10) No change.

(11) Permitting.

(a) through (d) No change.

(e) Annual Permit Renewal.

1. through 4. No change.

5. Failure to submit the Annual Permit Renewal by December 1, will result in expiration of the permit and removal of the business logo sign from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

(12) through (13) No change.

Specific Authority 334.044(2) FS. Law Implemented 334.044(27), 479.261 FS. History--New 6-26-85, Formerly 14-85.04, Amended 3-20-91, 10-10-96, 12-31-96, 10-8-97, 5-25-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth Towcimak, Director, Office of Right of Way

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLES:	RULE NOS.:
Definitions	61H1-38.001
Fifth Year of Accounting Education Program	61H1-38.002
General Requirements	61H1-38.003
Eligibility Criteria	61H1-38.004
Scholarships	61H1-38.005
Terms for Council Members	61H1-38.006
Fees	61H1-38.007

PURPOSE AND EFFECT: The Legislature has granted the Board authority under Section 473.3065, Florida Statutes, to establish standards and procedures under which minorities may apply for scholarship assistance. Rule Chapter 61H1-38 shall include those rules listed as Emergency Rules 61H1-38-1 through 61H1-38-7, effective April 14, 1999.

SUMMARY: The rules establish procedures for which applicants may submit applications for the Certified Public Accountant Education Minority Assistance Program.

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

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

SPECIFIC AUTHORITY: 473.3065(3) FS.

LAW IMPLEMENTED: 473.3065 FS.

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

TIME AND DATE: 8:30 a.m., Wednesday, August 4, 1999

PLACE: Marriott Westshore, 1001 North Westshore Blvd., Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha P. Willis, Executive Director, Board of Accountancy, 2610 NW 43 Street, Gainesville, Florida 32606

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-38.001 Definitions.

Minority – As used herein, the term “minority” shall have the same meaning as set out in Section 288.703(3), F.S.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History--New

61H1-38.002 Fifth Year of Accounting Education Program.

As used in Section 473.3065(1), a student will be deemed to be enrolled in the “fifth year of accounting education program” so long as the student has completed or is in the final semester of completing a minimum of one hundred and twenty (120) semester hours of academic credit and either is in the process of matriculation in an academic program of higher learning in this state that will result in completion of at least thirty (30) semester hours in excess of that required for a baccalaureate degree or, when the scholarship authorized under Section 473.3065, F.S., will be awarded, has been accepted into and will be enrolled in a different program of higher learning at an approved institution of higher learning in this state that will result in the completion of at least thirty (30) semester hours in excess of that required for a baccalaureate degree. Any program meeting this definition must be configured such that successful completion of the program will qualify a candidate to take the CPA examination on Florida under the provisions of Chapter 473, F.S., and the rules promulgated thereto.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History--New



61H1-38.003 General Requirements.

Approved Institutions – Residency scholarships will only be awarded to students who are Florida residents and who are enrolled in the fifth year of an accounting education program in an institution of higher learning in this state which is accredited by one of the accrediting bodies set forth in Rule 61H1-27.001, F.A.C.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New \_\_\_\_\_.

61H1-38.004 Eligibility Criteria.

A student who meets the foregoing general criteria shall be eligible to be chosen to receive a scholarship so long as the following criteria are met:

(1) Applicants must demonstrate a financial need which is defined as the cost of attendance at an institution of higher education less the expected family contribution and any gift aid for which the student is entitled. “Cost of attendance” is defined as a Board approved estimate of the expenses incurred by a typical financial aid student attending college. It includes direct educational costs (tuition, supplies, computers) as well as indirect costs (room and board, transportation, laundry, child care and personal expenses). Applicants will be required to authorize the Certified Public Accountant Education Minority Assistance Advisory Council (Council) to verify information submitted including financial assistance and educational costs. It is the intent that scholarship money from this source should not affect a student’s eligibility for other scholarships, but should reduce their self-help aid. However, the Council shall take other assistance into consideration when determining a student’s eligibility for a scholarship under this section.

(2) Applicants must be enrolled as full-time students in a fifth year accounting program as defined in 473.306(2), F.S., at an approved institution as defined in 61H1-27.001, F.A.C., and declared a major in accounting.

(3) Applicants must demonstrate scholastic ability of a minimum undergraduate grade point average of 2.5 based on a 4.0 scale.

(4) Applicants must academically in good standing as defined by the college or university.

(5) Applicants must be of “good moral character” as that term is defined in Section 473.306(4)(a), F.S.

(6) All applications must be postmarked by May 1 of the year to which the scholarship will apply.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New \_\_\_\_\_.

61H1-38.005 Scholarships.

(1) Scholarships will be awarded in the amount of \$3,000.00 per semester up to a maximum of two (2) semesters.

(2) Scholarship checks will be made payable jointly to the institution and the student and will be mailed during August for those enrolled in the fall term and during December for those enrolled in the winter term.

(3) A maximum of \$100,000.00 may be expended for all scholarships each year.

(4) A minimum of \$1,000.00 must be maintained in the program account.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New \_\_\_\_\_.

61H1-38.006 Terms for Council Members.

Initial terms will be phased in by appointing two (2) members for a two (2) year term to expire December 31, 2000, and two (2) members to a three (3) year term to expire December 31, 2001. Thereafter all terms will be three (3) years except for the Board Member who shall be appointed annually by the Board Chair.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New \_\_\_\_\_.

61H1-38.007 Fees.

An equal assessment per license out of existing licensing fees, as set forth in Section 473.3065, Florida Statutes, and not to exceed \$10 per license shall be made in an amount needed to collect \$105,000.00 during the first fiscal year of the fund and to collect \$100,000.00 per fiscal year thereafter in order to fund the authorized scholarships.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 1999

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLE: Definitions  
RULE NO.: 64B18-23.001

PURPOSE AND EFFECT: The proposed rule is intended to define the terms “human leg” and “surgical treatment.”

SUMMARY: The proposed rule provides definitions for the terms “human leg” and “surgical treatment.”

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

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

SPECIFIC AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 461.003(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-23.001 Definitions.

(1) The term "human leg," as used in s. 461.003(3), Florida Statutes, means the entire lower extremity, extending from the head of the femur to the foot, but does not include the hip joint.

(2) The term "surgical treatment," as used in s. 461.003(3), Florida Statutes, means a distinctly operative kind of treatment, such as a cutting operation. As such, injections, x-rays, and other medical, palliative, and mechanical diagnostic techniques and treatments are not surgery.

Specific Authority 461.005 FS. Law Implemented 461.003(3) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 1998

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Process	67-21.0035
Selection Criteria and Guidelines for Selection of Developments	67-21.004
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators or Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Private Placements of Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with other Affordable Housing Finance Programs	67-21.015

Compliance Procedures	67-21.016
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for 501(c)(3)'s	67-21.019

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-21, Florida Administrative Code (FAC), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, determine loan amounts and issue multifamily mortgage revenue bonds for new construction or substantial rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond Program.

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 made to the Rule or Application. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that apply for funding in 2000 application cycle.

STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508, 420.509 FS.

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

TIME AND DATE: 2:00 p.m., August 3, 1999

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gwen Lightfoot, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 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 Florida Housing to reflect its intent to attempt to finance a Development provided that the requirements of Florida Housing, the terms of the Loan Commitment, and the terms of the Credit Underwriting Report are met. Such official action ~~will~~ shall not be taken until Florida Housing has received the information necessary to make the findings required by the Code and the Act.

(2) "Act" means the Florida Housing Finance Corporation Act, sections 420.501 through 420.517, Florida Statutes, as amended.

(3) "Affiliate" means any person that (i) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant (ii) serves as an officer or director of the Applicant or of any Affiliate of the Applicant, or (iii) is the spouse, parent, child, sibling, or relative by marriage of a person described in (i) or (ii) above.

(4)(3) "Annual Recertification" means the compilation of the gross income of all persons or families qualified as lower-income tenants to continue to meet the requirements established in section 142(d) of the Code.

(5)(4) "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 Florida Housing, annual household income to be defined as that income as of the date of occupancy shown on the income certification promulgated from time to time by Florida Housing.

(6) "Applicant" means any person or entity, for profit or not-for profit, that is seeking a loan from Florida Housing for a multifamily Development and that has agreed to subject itself to the regulatory powers of Florida Housing by submitting an Application.

(7)(5) "Application" means the completed Form MFMRB2000 and its appendices ~~MRMRB2000~~ together with exhibits and the Application Fee submitted to Florida Housing by the Applicant Developer in accordance with the provisions of this Rule Chapter and in the Application in order to apply for the Multifamily Bond Program.

(8)(6) "Application Fee" means the non-refundable application fee to Florida Housing in an amount ~~not to exceed one percent of the requested loan amount and as listed in 67-21.007, F.A.C., established in the Application.~~

(7) "Application Review" means the review of all applications by Florida Housing staff wherein a determination is made as to whether any application is complete.

(9)(8) "Authorized Investments" means any of the following securities:

(a) Investments permitted under s. 215.47(1) and (2), without regard to any limitations set forth therein.

(b) Investment agreements the issuer of which is rated or the guarantor of which is rated in one of the three highest rating categories by a nationally recognized rating service.

(10)(9) "Board" or Board of Directors means the Board of Directors of Florida Housing.

(11)(10) "Bond Counsel" means the nationally recognized attorney or law firm retained by Florida Housing to serve the specialized function generally described in the industry as bond counsel.

(12)(11) "Bonds" or "Revenue Bonds" means the Bonds of Florida Housing issued to finance Mortgage Loans, including any Bond, debenture, note, or other evidence of financial indebtedness issued by Florida Housing under and pursuant to the Act.

(13)(12) "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 Florida Housing, in enforcing the terms of the Program Documents.

(14)(13) "Code" is the Internal Revenue Code of 1986, as amended, or similar predecessor or successor provisions applicable to a Development to be financed under this rule, 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.

(15) "Completeness and Threshold Check" or "CTC" means the examination of the Application by a Credit Underwriter assigned by FHFC. This examination shall determine if all required information has been provided in the Application. Simultaneously, the Credit Underwriter shall verify and analyze all information in accordance with the Completeness and Threshold Check List found in Appendix A of the Application.

(16) "Contact Person" means a person with decision-making authority for the Applicant, Developer, or owner of the Development with whom the Corporation will correspond concerning the Application and the Development.

(17) "Corporation" or "Florida Housing" or "FHFC" means the Florida Housing Finance Corporation created pursuant to the Act.

(18)(14) "Cost of Issuance Fee" means the non-refundable fee charged by Florida Housing 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 Florida Housing.

(19)(15) "Credit Enhancement or Guarantee Instrument" means a letter of credit, third party guarantee, insurance contract or other collateral or security pledged to Florida Housing or its Trustee for a minimum of ten years by a third party Credit Enhancer or financial institution securing, or insuring or guaranteeing the repayment of the mortgage loan or Bonds under Florida Housing's Program. A Credit Enhancement or Guarantee Instrument of less than ten years must be approved by the Board prior to being accepted to secure any Bonds.

(20)(16) "Credit Enhancer" means a financial institution, insurer or other third party which provides a Credit Enhancement or Guarantee Instrument acceptable to Florida Housing securing repayment of the Mortgage Loan or Bonds issued pursuant to Florida Housing's Program.

~~(21)~~(17) "Credit Underwriter" means the legal representative under contract with Florida Housing having the responsibility for providing stated ~~agreed upon~~ credit underwriting services. Such services shall include, for example, a comprehensive analysis of the Applicant, the real estate, the economics, but not be limited to, reviewing the financial feasibility and viability of the Developments, 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 Program requirements. The Credit Underwriter shall determine a recommended Bond amount and, at the direction of Florida Housing, recommending to Florida Housing the maximum amount of a Loan that should be made to a Development, whether an initial loan or a refunding, or the expected net operating income of the Development.

~~(22)~~(18) "Credit Underwriting Report" means a report that is produced follows the Threshold Check and includes recommendations or suggestions submitted by the Credit Underwriter designated by Florida Housing and includes a thorough analysis of the proposed Development and a statement as to whether a loan is recommended, and if so, the amount recommended to review such information. The Credit Underwriter or Florida Housing may request such information as is necessary to properly analyze the credit risk being presented to Florida Housing and/or the bondholders. The Applicant Developer shall pay the cost of such credit underwriting in addition to any other fees payable to Florida Housing in conjunction with the Application and Program financing.

(19) "Cross collateralization" means the pledging of the security of one Development to the obligations of another development.

~~(23)~~(20) "Demonstration Development" shall mean a development which provides a unique, demonstrated benefit to a population or area not adequately served by existing Florida Housing programs, and which Ddevelopment may serve as a replicable model for future Florida Housing programs.

(24) "Developer" means any individual, association, corporation, joint venturer or partnership which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable multifamily housing pursuant to this Rule Chapter. The Developer, as identified in an Application, may not change until the Development is complete.

(21) "Developer, Applicant or Borrower" are considered synonymous for the purposes of this rule, depending upon the stage of the loan process and shall be considered to apply to related entities as determined by Florida Housing and shall mean any individual, association, corporation, joint venturer or partnership that is a sponsor or financial beneficiary of a multifamily Development and that is requesting a loan from

~~Florida Housing for such Development and that has agreed to subject itself to the regulatory powers of Florida Housing by submitting an Application.~~

~~(25)~~(22) "Developer Fees" means the fee earned by the Developer of a Development. ~~Developer Fees include Developer overhead, Developer profit, and the contingency reserve. Developer Fees are not included in the calculation of Total Development Costs. For new construction Developments, Developer fees shall be limited to 20 percent of Total Development Costs, excluding land costs and any reserves required by lenders. For acquisition and rehabilitation Developments, Such fee Developer fees shall be limited to 18~~ 15 percent of Total Development Costs excluding land and building acquisition costs. A Developer Fee on the building acquisition cost shall be limited to 4% of the cost of the building(s) exclusive of land cost. Consulting fees, if any, must be paid out of the Developer Fee. Consulting fees include, for example, payments for Application consultants, construction management or supervision, or local government consultants. Fees for the Applicant's attorney(s) which are in excess of an amount equal to the greater of \$40,000 or 0.75% of the total amount of the Bonds must also be paid out of the Developer Fee. Fees for services provided by architects, accountants, appraisers, engineers or Financial Advisors may be included as part of the Total Development Costs, except 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 attorney fee and Financial Advisor caps, before Developer overhead, profit and acquisition costs, and any reserves required by lenders, plus five percent of total acquisition costs. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest relationship as defined herein between the Applicant, Borrower, or Developer and the General Contractor, the allowable fees shall in no case exceed the amount allowed for the Developer Fees pursuant to the HUD subsidy layering regulations review. Florida Housing shall not authorize fees to be paid fees for duplicative services or duplicative overhead. Any amounts paid to Developer consultants or agents (or attorneys in excess of an amount equal to the greater of \$40,000 or 0.75% of the principal amount of the Bonds) in connection with construction and financing of the Development (excluding attorneys employed by or on behalf of Florida Housing) shall be deducted against the total Developer Fees permitted hereunder.

~~(26)~~(23) "Development" means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, which is intended for use as multifamily rental housing, together with such related nonhousing facilities as

Florida Housing determines to be necessary, convenient, or desirable. A Development shall constitute a "project" within the meaning of the Act.

(27) "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), IRC.

(28)(24) "Disclosure Counsel" means the Special Counsel designated by Florida Housing to be responsible for the drafting and delivery of Florida Housing's disclosure documents such as including, but not limited to, preliminary official statements, official statements, reoffering memorandums or private placement memorandums and continuing disclosure agreements. The fees of Disclosure Counsel shall be set by contract with Florida Housing and shall be paid from the Cost of Issuance Fee or from the Good Faith Deposit submitted with the Loan Commitment.

~~(25) "Elderly Person" means a person 62 years of age or older.~~

~~(26) "Elderly Household" means a household of one or more natural persons or a family wherein the head or co-head of the household is an Elderly Person at initial move-in.~~

(29)(27) "Elderly Housing" 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), Florida Statutes Elderly Persons.

(30) "Eligible Persons" or "Eligible Household" 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 or very low income. 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 to 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 use of Housing Credits, an "Eligible Person" or "Eligible Household" shall mean one or more persons or a family having a combined income which meets the income eligibility requirements of the Housing Credits Program and Section 42 of the Code.

(31)(28) "Executive Director" means the Executive Director or Chief Executive Officer of Florida Housing.

(32)(29) "Final Board Approval" means formal action by the Board of Directors to adopt a resolution to award a portion of Florida Housing's State Bond Allocation to a Development and which triggers preparation of final Program Documents.

(33)(30) "Financial Advisor" means, with respect to an issue of Bonds, a professional who is either under contract to Florida Housing or is engaged by the Applicant Developer who

advises on matters pertinent to the issue, such as structure, timing, marketing, fairness of pricing, terms, bond ratings, cash flow, and investment matters.

(34)(31) "Florida Housing" means the Florida Housing Finance Corporation as created by the Act.

(35)(32) "General Contractor" means an entity duly licensed in the State of Florida meeting the following criteria:

(a) The Development superintendent is an employee of the General Contractor and the costs of that employment are charged to the general requirements line item of the General Contractor's budget;

(b) The Development construction trailer and other overhead is paid directly by the General Contractor and charged to general requirements;

(c) Building permits are issued in the name of the General Contractor;

(d) Payment and performance bond (or approved alternate security for General Contractor's performance, such as a letter of credit or other guarantee acceptable to Florida Housing) is, ~~if required,~~ issued in the name of the General Contractor; and

(e) No more than 20 percent of the construction cost is sub-contracted to any one entity.

(36)(33) "General Contractor's Fee" means a fee inclusive of general requirements, profit and overhead. General Contractor's Fees 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 Borrower and the General Contractor, the allowable fees shall in no case exceed the amount allowable pursuant to the HUD subsidy layering review. Additionally, fees shall ~~will~~ be allowed to be paid only to the person or entity that actually meets the definitional requirements to be considered a General Contractor. Florida Housing shall ~~will~~ not allow fees for duplicative services or duplicative overhead.

(37)(34) "Good Faith Deposit" means a total deposit equal to one percent of the Loan amount reflected in the Loan Commitment ~~or the Application, whichever is greater,~~ paid by the Applicant Borrower to Florida Housing, which shall ~~will~~ be applied toward the Cost of Issuance Fee, and of which one-half is payable not later than 7 calendar days after the Board approves the final Credit Underwriting Report at the time of entering into final credit underwriting and the balance is payable at the time of execution of the Loan Commitment. If the Good Faith Deposit is exhausted, the Applicant shall ~~Developer will~~ be required to pay 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.

(38) "Housing Credit Program" means the federal tax credit program administered by FHFC in accordance with Section 42 of the Code and rule Chapter 67-48, F.A.C.

(39)(35) "HUD Risk Sharing Program" means the demonstration program authorized by Section 542 of the Housing and Community Development Act of 1992.

(40)(36) "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. Unless otherwise excluded, persons or entities that share in the net profits of the Development shall be construed as having an ownership interest to the extent that they share in Development or project revenues. The Identity of Interest definition shall not apply to the tax credit syndicator, limited partner investors, or professionals who are retained pursuant to a negotiated fee arrangement consistent with industry standards and which fee arrangement does not incorporate the payment of fees from Development operating revenues.

(41)(37) "Income Certification," "Tenant Income Certification" or "Form TIC-1" means that Form TIC-1 which is adopted and incorporated herein by reference, revised February 1999 July 22, 1996, and which shall be used to certify the income of all tenants residing in a Set-aside unit in a Development.

(42)(38) "Issuer" means the Florida Housing Finance Corporation.

(43)(39) "Land Use Restriction Agreement" means that agreement among Florida Housing, the Bond Trustee and the Applicant Developer which sets forth certain restrictions on the use of the Development to comply with the Code, the Act, this rule, the policies of Florida Housing and any requirements of a Credit Enhancer. Such document may also be known as the "LURA" or the "Regulatory Agreement" and shall with be recorded prior to the Mortgage in the public records in the county where the Development is located, unless the Board or the Executive Director expressly agrees to subordinate the LURA to facilitate the financing.

(44)(40) "Loan" means the loan made by Florida Housing to the Applicant Developer from the proceeds of the Bonds issued by Florida Housing.

(45)(41) "Loan Agreement" means the Loan or Program Document wherein Florida Housing and the Applicant Developer specify the terms and conditions upon which the proceeds of the Bonds shall be loaned, and the terms and conditions for repayment of the Loan.

(46)(42) "Loan Commitment" means the Loan or Program Document executed by Florida Housing and the Applicant Developer after the issuance of a favorable Credit Underwriting Report and filed with Florida Housing along with full payment of the Good Faith Deposit before substantive work commences on Program Documents other than the Loan Commitment. The Loan Commitment defines the conditions under which Florida Housing agrees to lend the proceeds of the Bonds to the Applicant Borrower for the purpose of financing all or a portion of a Development.

(47) "Local Government" means a unit of local general-purpose government as defined in Section 218.31(2), F.S., (1995).

(48)(43) "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 Florida Housing for the purpose of receiving public comment or input regarding the financing of a proposed Development with Bonds by Florida Housing.

(49)(44) "Lower Income Tenants" means individuals or 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 Tenants if all the occupants of a unit are students [(as defined in Section 151(c)(4) of the Code)] or if the tenants do not comply with the provisions of the Code defining Lower Income Tenants. (See Section 142 of the Code.) If Taxable Bonds or Bonds that do not require State Bond Allocation are being used to finance the Development, Lower Income Tenants shall be defined as an individual or family with an Annual Household Income not in excess of 80 percent of the state or county median income, whichever median income is higher. In the event Bonds are issued on behalf of a corporation organized under Section 501(c)(3) of the Code, the set-aside shall not be less than that required by the 501(c)(3) documents.

(50)(45) "Mortgage" means the instrument securing the Loan which creates a first, co-equal or acceptable subordinate lien on the Development, subject to permitted encumbrances.

(51)(46) "Mortgage Loan" means the Loan secured by the Mortgage and evidenced by a Note or Mortgage Note.

(52) "Notice of Funding Availability" or "NOFA" means the notification published in the Florida Administrative Weekly which shall contain the deadline for submission of Applications, the estimated funding amount, and any targeting requirements. Said notice shall be published at least 30 days prior to the deadline contained in such notice. The NOFA shall be mailed to all entries on FHFC's Program mailing list.

(53) "Principal" means any individual acting in their individual capacity or acting as president, vice president, treasurer or secretary, member of the board of directors or the legal or beneficial owner of 10% or more of any class of stock of a corporation which is a general partner of a limited partnership Applicant or Developer; or the general partner of a limited partnership that is the general partner of a limited partnership Applicant or Developer; or is a partner in a general partnership or joint venture acting alone or as a part of another entity that is an Applicant or Developer. With respect to a limited liability company either acting alone or as a part of another entity that is an Applicant or Developer, each manager and each member is a principal. With respect to a registered limited liability partnership either acting alone or as a member

of another entity that is an Applicant or Developer, each partner is a principal. With respect to a trust either acting alone or as a part of another entity that is an Applicant or Developer, any individual or entity owning 10% or more of the beneficial interest in the trust is a principal. A General Contractor, Management Agent, Architect/Engineer, Attorney that participates on an arms-length fee arrangement are not considered Principals of the Applicant entity.

~~(54)(47)~~ “Private Placement” or “Limited Offerings” means the sale of Florida Housing 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.

~~(55)(48)~~ “Program” means Florida Housing’s ~~M~~ultifamily ~~M~~ortgage ~~R~~evenue ~~B~~ond ~~P~~rogram.

~~(56)(49)~~ “Program Documents or Loan Documents” means the Loan Commitment, Loan Agreement, Note, Mortgage, Credit Enhancement or Guarantee Instrument, 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 documents as are required by Florida Housing to issue and secure repayment of the Bonds and Mortgage, to protect the interests of the Bond owners and Florida Housing and, ~~if applicable,~~ to protect the tax-exempt status of the Bonds.

~~(57)(50)~~ “Public Policy Criteria” means the requirements and guidelines established by Florida Housing and set forth in 67-21.004, F.A.C. Applicants who seek a Loan from Florida Housing shall elect which Public Policy Criteria they ~~shall will~~ agree to incorporate into the design of their Development. These ~~shall will~~ be incorporated in the Loan Commitment and Program Documents. Such Public Policy Criteria have been adopted for the purpose of accomplishing the programmatic goals of the Code, Florida Housing and the Act.

~~(58)(51)~~ “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 invests 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;
2. Any investment company registered under the Investment Company Act or any business development company as defined in section 2(a)(43) of that Act;
3. Any Small Business Investment Company licensed by the U.S. Small Business Administration under sections 301(c) or (d) of the Small Business Investment Act of 1958;

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;

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 202(a)(22) of the Investment Advisors Act of 1940;

8. Any organization described in section 501(c)(3) of the Internal Revenue Code, 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, 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.

(b) Any dealer registered under Section 15 of the Securities Exchange Act, 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 acting in a riskless principal transaction on behalf of a Qualified Institutional Buyer.

(d) Any investment company registered under the Investment Company Act 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, 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.

~~(59)~~ “Qualified Census Tract” means any census tract which is designated by the Secretary of Housing and Urban Development as having 50% or more of the households at an income which is less than 60% of the area median gross income in accordance with Section 42(d)(5), IRC.

~~(60)(52)~~ “Qualified Lending Institution” means any bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, insurance company, the Florida Housing Development Corporation, or other financial

institution authorized to transact business in the State of Florida and which customarily provides service or otherwise aids in the financing of mortgages on real property in Florida.

~~(61)(53)~~ “Qualified Project Period” means the period of time, as provided in the Code, that a Development Project financed with Tax-Exempt Bonds must comply with the Lower Income Tenant Set-aside.

~~(62)(54)~~ “Set-Aside” means the occupancy requirements or restrictions for Developments financed by Florida Housing. Such ~~Set-aside requirements shall will~~ be set forth in the Land Use Restriction Agreement and other such Program Documents as are deemed necessary by Florida Housing. The minimal ~~S~~et-aside requirements are as follows:

(a) For Taxable Bonds – 20 percent or more of the residential units in the Development ~~shall will~~ be occupied or held available for occupancy by one or more persons or a family whose Annual Household Income does not exceed 80 percent of the State or county median income, whichever median income is higher.

(b) For Tax-Exempt Bonds – 20 percent or more of the residential units in the Development ~~shall will~~ be occupied or held available for occupancy by one or more persons or a family whose Annual Household Income does not exceed 50 percent of the State or county median income whichever is higher or 40 percent or more of the residential units in the Development ~~shall will~~ be occupied by or held available for one or more persons or a family whose Annual Household Income does not exceed 60 percent of the State or county median income whichever is higher or that which is required by the Code at the time of issuance of the Bonds or required by Florida Housing to meet its programmatic purposes.

~~(63)(55)~~ “Special Counsel” means the attorney, attorneys, law firm or law firms retained by Florida Housing to serve as counsel to Florida Housing or as Disclosure Counsel pursuant to a contract between the Special Counsel and Florida Housing.

~~(64)(56)~~ “State Board of Administration” or “SBA” means the State Board of Administration created by and referred to in s. 9, Article XII of the State Constitution.

~~(65)(57)~~ “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 Florida Housing for the issuance of its tax-exempt Bonds.

~~(66)(58)~~ “Student” means an individual who is considered a full-time student by the educational institution being attended or will be a full-time student at an educational institution with regular facilities and students other than correspondence school, during five months of the certification year.

~~(67)(59)~~ “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 Code.

~~(68)(60)~~ “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 Code.

~~(69)(61)~~ “TEFRA Hearing” means a public hearing held pursuant to the requirements of the Code and in accordance with the Tax Equity and Fiscal Responsibility Act (TEFRA), 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 financing of a Development by Florida Housing.

~~(62)~~ “~~Threshold Check~~” means ~~the required documentation verification and review by the Credit Underwriter before a Development may be approved for admission to final Credit Underwriting.~~

~~(70)(63)~~ “Total Development Cost” means the sum total of all costs incurred in the construction development of a Development all of which shall be subject to the approval by the Credit Underwriter and shall be approved by Florida Housing as reasonable and necessary. Such costs may include, but not be limited to:

(a) The cost of acquiring real property and any building 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 by Florida Housing 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, Financial Advisors and Florida Housing. The fees for attorneys and Financial Advisors are limited pursuant to Rule 67-21.002(25), F.A.C.

(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.

(h) Expenses in connection with initial occupancy of the Development.

(i) Allowances established by Florida Housing for working capital; or contingency reserves, and reserves for any anticipated operating deficits during the first two years after completion of the Development.



(j) The cost of other such items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for Bonds.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.503, 420.507, 420.508 FS. History—New 12-3-86. Amended 2-22-89, 12-4-90, 11-23-94, 2-6-97, 1-7-98, Formerly 91-21.002, Amended 1-26-99,

67-21.003 Application and Selection Process for Loans.

(1) Florida Housing hereby adopts by reference the Application and its appendices (Form MFMRB2000, MFMRB99, effective October 1999 November 1998) which provides the instructions and forms necessary for submission of an Application for participation in the Program. Said Application package ~~form~~ may be obtained from Florida Housing by contacting the Multifamily Bond Program Administrator, Florida Housing at 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301. ~~Said Application includes A a detailed timeline timeframe, including deadlines for receipt of information necessary to complete the final Credit Underwriting, shall be provided to all Applicants after the cycle has closed. The detailed timeline shall include the deadlines which must be met for For those Applicants using Developments utilizing either or both of Florida Housing's Guarantee Fund and through the HUD Risk-Sharing programs, the timeframes set forth in the Application relative to those programs must also be met.~~

(2) An Application may be submitted at any time; however, priority in reviewing and ranking Applications for award of State Bond Allocation for a calendar year shall be given to Applications received by Florida Housing by the deadline specified in the Notice of Funding Availability published ~~noticed~~ in the Florida Administrative Weekly. Applications received after the noticed deadline shall not be processed, reviewed, or ranked in any way until such time as the list of Applications received by the noticed deadline has been exhausted. The notice shall be published at least 14 days prior to any such deadline and shall also be mailed to each person and entity who has requested a copy of such notice. As set forth in said notice, Florida Housing may elect to reserve a portion of its private activity bond allocation for multifamily revenue bonds for use solely for Demonstration Developments or in connection with HUD multifamily developments. Developments wholly owned by not-for-profit corporations qualifying under Section 501(c)(3) of the Code which are not requesting State Bond Allocation are governed by Rule 67-21.019, F.A.C. shall not be required to submit an Application under the Program.

(3) All Applications must be complete, accurate, legible and timely when submitted, and must be accompanied by the applicable Application Fee which includes the estimated costs for the and TEFRAs fees, CTC, Limited Restricted Appraisal, and Market Study. An original and three two photocopies ~~copies~~ shall be submitted, except if a Development is

proposing to use Florida Housing's Guarantee Fund Program, an original and four photocopies shall be submitted; or if a Development is proposing to participate in HUD Risk Sharing, an original and five photocopies shall be submitted.

(4) Upon receipt of an Application, all required copies and all applicable fees, staff shall assign a tracking number and a Credit Underwriter for each Application. The Applications shall then be forwarded to the assigned Credit Underwriter for the CTC. Upon receipt, an Application shall undergo Application Review. Any change in information submitted in an Application may be grounds for rejection of an Application.

(5) Applications which receive a satisfactory CTC shall be ranked using the criteria established by the Board and listed in Rule 67-21.004, F.A.C.

(6) This ranking shall be transmitted to all Applicants along with notice of appeal rights. Following the completion of the informal appeal process, the resultant ranking shall be presented to the Board for approval along with the Hearing Officer's Recommended Orders, if any. The Board shall be asked to issue Acknowledgement Resolutions at this time.

(7)(5) Based on the order of the ranked Applications and the availability of State Bond Allocation, the Board shall designate those Applications to be offered the opportunity to enter final Credit Underwriting. Notwithstanding the rankings, a portion of the State Bond Allocation may be designated or reserved by the Board for allocation necessary to resolve administrative or legal proceedings with respect to Program Applications. Additionally, notwithstanding the rankings, State Bond Allocation received by the Board after November 1 of any year may be designated by the Board to be allocated in the subsequent year's cycle, on staff's determination that an Application is complete, the Executive Director shall designate those Developments to undergo the Threshold Check and staff shall assign a Credit Underwriter to each Development. Developments which receive a satisfactory Threshold Check shall be ranked by the Board utilizing the Selection Criteria and Guidelines enumerated in Rule 67-21.004 and targeting criteria selected by the Board. Applications which are not deemed complete or which do not receive a satisfactory Threshold Check shall remain unranked; however, if there is not a sufficient number of completed Applications which have achieved satisfactory Threshold Checks to utilize available private activity bond allocation, Florida Housing may elect to allow incomplete Applications to provide additional information necessary to rank such Applications on the same basis as Applications were previously ranked. Based on their ranking and the availability of State Bond Allocation, the Board shall designate those Developments to be invited to enter Credit Underwriting. The Board may invite more Developments into Credit Underwriting than can be funded with the available State Bond Allocation. Applicants shall be notified in writing of the opportunity to enter final 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 final Credit Underwriting do so at their own risk. Any Applicant which declines invitation to final Credit Underwriting shall be removed from the ranked list. Applicants electing to proceed to Credit Underwriting with Applications ranked below the available State Bond Allocation do so at their own risk.

(8) Applications which do not receive a satisfactory CTC shall remain unranked; however, if there is not a sufficient number of ranked Applications to use the available State Bond Allocation for the Program, Florida Housing shall notify all unranked Applicants and provide a period of 14 days for such Applicants to submit all necessary information and documents to the assigned Credit Underwriter to cure all unsatisfactory items.

(9) At the conclusion of the 14 day cure period referenced in (8) above, the Credit Underwriter shall evaluate the additional information and determine if the Application is now satisfactory for purposes of the CTC. This determination must be submitted to FHFC not later than 7 days after the end of the 14 day cure period.

(10) Applications that successfully complete the CTC after the 14 day cure period referenced in (8) above shall be evaluated and ranked by staff using the criteria established by the Board and listed in Rule 67-21.004, F.A.C. This ranking shall be presented to the Board for approval and authorization of invitations to Credit Underwriting. In the event that time constraints preclude presentation of this ranking to the Board for approval and authorization of Credit Underwriting, staff shall offer Applicants the opportunity to enter Credit Underwriting at their own risk only to the extent that there is sufficient State Bond Allocation to fully fund the proposed Developments.

(11)(6) Based on the ranking and the availability of State Bond Allocation, Florida Housing shall initiate TEFRA hearings on the proposed Developments. The invitation into Credit Underwriting and the Acknowledgment Resolution are nonbinding commitments used by Florida Housing to formally acknowledge a proposed Development and to establish a date for certifying reimbursable costs. Neither the TEFRA hearing, the invitation into final Credit Underwriting, nor and the Acknowledgment Resolution do not in any way obligate Florida Housing to finance the proposed Development in any way.

(12)(7) Upon receipt of the Credit Underwriting Report, issuance of the Acknowledgment Resolution, Florida Housing shall submit the Application to its Financial Advisor, if any, for a preliminary recommendation of determination for the method of Bond Sale for each Development pursuant to Rule 67-21.0045, F.A.C.

~~(8) Following Florida Housing receipt of a favorable Threshold Check from the Credit Underwriter and the preliminary recommendation of the method of Bond Sale from Florida Housing's Financial Advisor, if any, or from the staff, the Board shall designate by resolution the method of Bond Sale considered appropriate for financing. The Board shall also assign a bond underwriter, structuring agent, or Financial Advisor, as needed.~~

(13)(9) Proposed Developments that are ranked, but not selected by the Board to enter final Credit Underwriting, shall remain on the ranking list in the event State Bond Allocation becomes available to fund additional other Developments. Developments on the ranking list that are not designated by the Board to receive State Bond Allocation in the calendar year in which Application was made shall be removed from the ranking list. If the current year's State Bond Allocation is insufficient to finance a Development, a new Application must be filed to be eligible for a future year's State Bond Allocation. Developments designated for a portion of the current year's State Bond Allocation shall be required to close at such time as set forth in such designation.

(14)(10) Florida Housing shall notify the Applicant, in writing, of the Board's determination related to approval of the entering final Credit Underwriting Report and require request that the Applicant submit one-half of the Good Faith Deposit within 7 calendar days and the information required to complete final Credit Underwriting. The notice shall also inform the Applicant of the Board's determination with respect to the method of Bond Sale. The Applicant must remit one-half of the Good Faith Deposit to Florida Housing within seven business days of receipt of the notice. The Good Faith Deposit shall be subject to forfeiture in accordance with the terms of the Program Documents in the event the Loan is not closed. The Applicant shall comply with time frames for submitting information required for final Credit Underwriting established by Florida Housing based on the recommendation of the Credit Underwriter.

(15)(11) Upon favorable recommendation of the final Credit Underwriting report and preliminary recommendation of the method of bond sale from Florida Housing's Financial Advisor, or from the staff, the Board shall designate by resolution the method of bond sale considered appropriate for financing, receipt of staff recommendation. The Board shall consider authorizing the execution of the Loan Commitment and shall consider reserving State Bond Allocation for a Development. The Board shall also assign a bond underwriter, structuring agent, or Financial Advisor and any other professionals necessary to complete the transaction. Staff shall assign FHFC counsel as needed.

(16)(12) Following receipt of one-half of the Good Faith Deposit, Florida Housing's assigned counsel shall begin documenting the terms of the transaction, including the Loan Commitment. After execution of the Loan Commitment by the

~~Developer, receipt of a favorable Credit Underwriting report, and payment of the balance of the Good Faith Deposit, staff shall agenda final approval of the proposed Development for the Board.~~

~~(17)(13)~~ Upon execution of a Loan Commitment Applicant shall pay and the submission of the balance of the Good Faith Deposit and by the Developer, Florida Housing shall authorize the preparation of the required documents which shall include:

- (a) Loan Agreement;
- (b) Note;
- (c) Mortgage;
- (d) Guarantee Instrument Agreements, if any;
- (e) Land Use Restriction Agreement;
- (f) Trust Indenture;
- (g) Preliminary and Final Official Statements;
- (h) Financial Monitoring Agreements;
- (i) Compliance Monitoring Agreements; and
- (j) Such other documents as are necessary to establish and secure the Mortgage Loan and the issuance of the Bonds.

(18) If any Applicant, an Affiliate of an Applicant or a partner of a limited partnership is determined by the Corporation to have engaged in fraudulent actions or to have deliberately misrepresented information within the current Application or in any previous Applications for financing or Housing Credits administered by the Corporation, the Applicant and any of Applicant's Affiliates shall be ineligible to participate in any program administered by the Corporation for a period of up to two fiscal years, which shall begin from the date the Board approves disqualification of the Applicant's Application.

(19) Prior to instituting any change, including change orders and other changes resulting in any modification or deviation from the final Credit Underwriting Report as approved by the Board, Applicant shall notify Florida Housing Finance Corporation. All changes to the Development plans, tenant programs and other specifications which were used to describe the Development in accordance with this Rule Chapter and MFMRB2000 and represented to the Credit Underwriter and Development servicer are affected by this prior notification requirement. Failure to obtain FHFC's approval prior to implementing any such changes shall result in the Applicant and any of the Applicant's Affiliates being ineligible to participate in any program administered by the Corporation for a period of two fiscal years, which shall begin from the date the Board approves disqualification of the Applicant and its Application.

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 91-21.003, Amended 1-26-99.

67-21.0035 Applicant Administrative Appeal Procedures.

(1) Following the Credit Underwriter's completion of the CTC, a notice regarding whether or not the Application received a satisfactory CTC shall be provided to each Applicant.

(2) Applicants who wish to contest the decision relative to the CTC for their own Application must petition for a review of the decision in writing within 10 calendar days of the date of the notice. The request must specify in detail the basis for the appeal and the issues to be appealed. Unless the appeal involves disputed issues of material fact, the appeal shall be conducted on an informal basis. Florida Housing staff shall review the appeal and shall provide to the Applicant a written position paper which indicates whether a change will be made regarding each issue appealed. If the Applicant disagrees with Florida Housing's position paper, the Applicant shall be given an opportunity to participate in an informal administrative hearing. If the appeal raises issues of material fact, a formal hearing shall be conducted pursuant to Section 120.57(1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal.

(3) For purposes of 67-21.0035(2) above, the written notification, petition, or request for review is deemed timely filed when it is received by the FHFC prior to 5:00 p.m. Tallahassee, Florida time of the last day of the designated time period at the following address: Florida Housing Finance Corporation 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attention: Corporation Clerk. For the purpose of this subsection, "received" means delivery by hand, U.S. Postal Service, or other courier service, or by facsimile. Petitions or requests for review that are not timely filed shall constitute a waiver of the right of the Applicant to such a review.

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

67-21.004 Federal Set-Aside and Public Policy Requirements Selection Criteria and Guidelines for Selection of Developments.

(1) Each Application shall designate one of the following minimum federal Set-aside requirements that the Development shall ~~will~~ meet when the Development construction or rehabilitation is completed:

(a) Twenty percent of the residential units in the Development shall ~~will~~ be occupied by or reserved for occupancy by one or more persons or a family whose Annual Household Income does not exceed 50 percent of the ~~area State or county~~ median income ~~limits adjusted for family size, whichever is higher~~ (the 20/50 Set-aside); or

(b) Forty percent of the residential units in the Development shall ~~will~~ be occupied by or reserved for occupancy by one or more persons or a family whose Annual

Household Income does not exceed 60 percent of the ~~area State or county~~ median income limits adjusted for family size, whichever is higher (the 40/60 Set-aside).

(2) In addition to meeting the minimum required Set-aside described in paragraph (1) above, each Development selected for financing in the Program shall have Florida Housing Program funding that does not exceed \$65,000 per unit, ~~excluding raw land~~, and shall satisfy the Public Policy Criteria as follows: a minimum of three of the Public Policy Criteria requirements listed in paragraphs (a) and (b) below. At least two of the three Public Policy Criteria must be selected from the list of criteria set forth in paragraph (a).

(a) All Applicants ~~A Development Application~~ shall commit to provide ~~reflect the Developer's commitment to satisfy a minimum of two of the following criteria:~~

~~1. At least 20 percent of the units in the Development shall be three bedroom units or greater.~~

~~2. At least 20 percent or 40 percent of each unit size in excess of one bedroom and studio units in the Development to shall be occupied or reserved for occupancy by Lower Income Tenants in proportion to the minimum Set-aside requirement elected, as follows:~~

~~1.a. if the Development satisfies the 20/50 Set-aside, 20 percent of the units at or below 50 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142(d) of the Code, or~~

~~2.b. if the Development satisfies the 40/60 Set-aside, 40 percent of the units at or below 60 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142(d) of the Code, or~~

~~3.e. in the case of Developments financed through the issuance of Taxable Bonds (or for specific cases pursuant to the Code, Tax-exempt Bonds), 20 percent of the units at or below 80 percent of state or county median income limit, whichever is higher, and with family size adjustment (or for Developments financed prior to the Code, as amended,) or without family size adjustment). The foregoing shall not apply to Developments which are also financed with Tax-exempt debt in which at least 50 percent of the Bonds issued are Tax-Exempt in nature.~~

(b) In addition to satisfying 67-21.004(2)(a) above, a Development Application shall reflect the Applicant's commitment to satisfy a minimum of three of the Public Policy Criteria listed in 1-6 below in this sub-paragraph. A Development Application may comply with one or more of the following optional requirements:

1. At least 20% of the units in the Development shall be three bedroom units or greater.

~~3. All Set-aside units in the Development shall have lower rent rates than comparably sized new units in the area and which were built at the same time or since construction of the Development and which are of comparable construction~~

~~quality. Documentation of comparable rents must be made to Florida Housing and its compliance monitoring agent as requested.~~

~~2.4. Increase the selected minimum Set-aside units by 10 percent, therefore:~~

(i) if the Development satisfies a 20/50 Set-aside, at least 30 percent of the units in the Development, shall be occupied or reserved for occupancy by persons or families having incomes at or below 50 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142(d) of the Code,

(ii) if the Development satisfies a 40/60 Set-aside, at least 50 percent of the units in the Development, shall be occupied or reserved for occupancy by persons or families having incomes at or below 60 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142(d) of the Code, or

(iii) in the case of Developments financed through the issuance of Taxable Bonds, ~~at least~~ 30 percent of the units in the Development shall be occupied or reserved for occupancy by persons or families having incomes at or below 80 percent of the state or county median income limit, whichever is higher, ~~and~~ with family size adjustment (or for Developments financed prior to the 1986 IRS Code, as amended) ~~or~~ without family size adjustment). The foregoing shall not apply to Developments which are also financed with Tax-exempt debt in which at least 50 percent of the Bonds issued are Tax-exempt in nature.

~~5. At least 10 percent of the units in the Development shall be allocated for priority in renting to applicants for occupancy who are active participants in a welfare to work program approved by Florida Housing.~~

~~3.6. All units in the Development shall serve as Elderly Units pursuant to the Federal Fair Housing Act. This criterion cannot be selected in combination with the criterion ~~criteria~~ to provide a minimum percentage of three-bedroom or four-bedroom units.~~

~~4.1. The Applicant Developer agrees to a Qualified Project Period that shall extend a minimum of 10 years beyond the period of time provided for in the Code.~~

~~5.2. The Applicant Developer of the Development shall develop and implement a minimum of two tenant programs as an integral part of the Development and approved by Florida Housing, such as day after school child care, adult literacy training, health care, or meals, or other tenant programs as described in the Application.~~

~~6.3. The Applicant Developer of the Development shall develop and implement a program as described in the Application approved by Florida Housing that would assist Lower Income Tenants in moving into a homeownership situation.~~

~~(3) In the event that a Development involves a commitment to comply with the requirement described in subparagraph (2)(a)5., above, the Developer shall:~~

~~(a) Provide a written notice relating to the Development to the local housing agency, WAGES Board, applicable local government, or community project agency, if any, in the county in which the Development will be located not later than 30 days after construction begins stating the total number of units to be constructed, including bedroom size, the location, the name and telephone number of the person to contact for further information.~~

~~(b) Provide a notice containing both the information referred to in paragraph (a), above, and the anticipated date on which leasing will begin to each agency referred to in paragraph (a), above, no later than one month prior to the anticipated date of initial occupancy or completion of rehabilitation of any unit.~~

~~(c) Develop a system under which:~~

~~1. at least 10 percent of all units in the Development shall be reserved for a period of one month from the date of initial occupancy or completion of rehabilitation of any unit in the Development for active participants in a welfare to work program approved by Florida Housing to apply for occupancy;~~

~~2. at all times, active participants in a welfare to work program approved by Florida Housing shall be given priority over other applicants for occupancy; and~~

~~3. after initial occupancy of a unit or completion of rehabilitation of such unit, a separate waiting list of applicants currently participating in a welfare to work program approved by Florida Housing shall be maintained.~~

~~(3)(4) All Public Policy Criteria and factors selected by the Applicant shall Developer set forth in Rule 67-21.004 will be verified through Florida Housing's Credit Underwriting if the Development Application is approved by Florida Housing. Any proposed changes to the Public Policy Criteria selected by the Applicant Developer and identified in its Development Application may be only to other Public Policy Criteria set forth in Rule 67-21.004 and must be submitted to Florida Housing for prior approval. Florida Housing may grant such approval if it would not alter the Application ranking Development's priority.~~

~~(4)(5) Initial consideration shall will be given based on any or all of the criteria set forth below as shall be established by the Board of Florida Housing and included in the Application and in such order of priority as set forth in the Application. Such criteria shall be incorporated in the Application as Appendix C. Each criteria shall, will, where possible, be evaluated on a sliding scale as set forth in the Application.~~

~~(a) A commitment to provide more than the minimum low-income set-aside; however, in no event shall the Set-aside for Multifamily Bond requirements exceed 80% of the units;~~

(b) Developments with no other Florida Housing subsidy (Developments utilizing Florida Housing's Guarantee Fund, HUD Risk-Sharing or Predevelopment Loan Fund shall will not be considered as having a Florida Housing subsidy);

(c) Demonstration Developments that can serve as a model for satisfying a defined housing need as determined by the Board;

(d) The experience of the Developer or Applicant;

(e) Diversification of the Developers receiving funding in a given cycle;

(f) Diversification of the Developers receiving funding in previous cycles;

(g) Developments with which the lowest ratio State of private activity B bond allocation per unit financed;

(h) Developments which benefit a specific population, county or other area of the state;

(i) Developments which have special or unique value to a population targeted by the Board;

(j) Developments which target relief in areas of the state affected by a natural disaster;

(k) Developments with the lowest per-unit Developer and General Contractor fee; and profit and/or lowest per unit cost;

(l) Developments with the lowest per unit cost;

~~(m)(4)~~ (m)(4) Developments with a commitment for credit enhancement;

~~(n)(m)~~ (n)(m) Developments with credit enhancement not constituting a private placement of Bonds;

~~(o)(n)~~ (o)(n) Public Policy Criteria Selected by the Applicant; Developer;

~~(p)(o)~~ (p)(o) Developments with a commitment from the Florida Housing Finance Corporation Guarantee Program;

(q) Special farmworker housing needs;

(r) Urban-infill housing needs.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4),(6),(12),(13),(14),(18),(19),(21), 420.508 FS. History--New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94,9-25-96, 2-6-97, 1-7-98, Formerly 91-21.004, Amended 1-26-99.

67-21.0045 Determination of Method of Bond Sale.

(1) Florida Housing 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 shall authorize a resolution specifying the method of sale.

(2) With the exception of Applicants who are seeking a Private Placement, following receipt of the Credit Underwriting Report, approval of the Development ranking list by the Board, staff shall provide Florida Housing's Financial Advisor, if any, copies of the such report Applications 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, 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 Developer.
- (e) Florida Housing's programmatic objectives.
- (f) Market stability.
- (g) Other factors identified by staff, counsel, or the Applicant Developer.

~~(4) Upon receipt of the Applications, Florida Housing's Financial Advisor shall evaluate each proposed transaction and make a preliminary written recommendation on the appropriate form of sale. 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 and a brief rationale for the preliminary recommendation for each Development.~~

(5) For those transactions that Florida Housing's Financial Advisor recommends as candidates for a competitive sale, Florida Housing shall ~~will~~ engage a structuring agent. [The Applicant may, at its sole expense, Developer shall 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, in accordance with 67-21.002(25).]

(6) For those transactions that Florida Housing's Financial Advisor recommends for a negotiated sale, Florida Housing shall ~~will~~ appoint an underwriter.

~~(7) Following the Threshold Check for a Development, staff will transmit the Development's term sheet to Florida Housing's Financial Advisor for a final recommendation as to the method of Bond sale. The analysis shall apply the considerations listed in paragraph (3) above. Florida Housing's Financial Advisor shall prepare a final written recommendation as to the method of Bond sale for consideration by the Board. The recommendation shall identify the Development, recommend the method of sale, include a discussion of each criterion's relevance and effect on the transaction, and a summary statement as to why the particular method of sale is being recommended.~~

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,\_\_\_\_\_.

67-21.005 Selection of Qualified Lending Institutions As Credit Underwriters, Originators or Servicers.

(1) Qualified Lending Institutions shall be selected to underwrite, participate in the origination of and service eligible Mortgage Loans.

(2) The criteria which shall be considered for selection of Qualified Lending Institutions to participate in the Program shall include:

(a) The statutory requirement that the lending institution be a bank or trust company, mortgage banker, savings banker, savings bank, credit union, national banking association, building and loan association, insurance company, the Florida Housing Development Corporation, or other financial institution or governmental agency authorized to transact business in the State of Florida and which customarily provides service or otherwise aids in the financing of mortgages on real property located in the State of Florida.

(b) The credit underwriting and loan servicing experience and financial condition of the Qualified Lending Institution.

(c) Marketability of the Bonds using the Qualified Lending Institution as credit underwriter and servicer.

(d) Requirements of any rating agency rating the Bonds applicable to a credit underwriter and servicer.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502(20), 420.507(4),(6), (13),(18),(19),(20),(21), 420.508 FS. History--New 12-3-86, Amended 9-25-96, 1-7-98, Formerly 9I-21.005, Amended 1-26-99, Repromulgated.

67-21.006 Development Requirements.

A Development shall at a minimum meet the following requirements or an ~~a~~ Applicant Developer 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 four or more dwelling units and functionally related facilities, in accordance with section 142(d) of the Code.

(3) All of the Development shall consist of similar units, containing complete facilities for living, sleeping, eating, cooking and sanitation for a single person or 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 Florida Housing 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 Developer 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 Code or are being held for older persons in accordance with the Federal Fair Housing Act and set aside for Elderly Persons in Developments with Elderly Units approved by Florida Housing.

(6) The ~~Developer or~~ Applicant shall have no present plan to convert the Development to any use other than the use as a 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 Tenants, prior to the satisfaction of which no additional units shall be rented or leased, except to an individual or family that is also a Lower Income Tenant;

(b) All of the Public Policy Criteria selected in the Application must be met; and

(c) After initial rental occupancy of such residential units by Lower Income Tenants, at least 20 percent or 40 percent, whichever is applicable based on Applications selection of the minimum federal Set-aside, of the completed residential units in the Development project at all times shall be rented to and occupied by Lower Income Tenants as required by Section 142(d) of the Code, 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 Tenant.

(9) The Applicant Developer shall obtain and maintain on file income certifications from each Lower Income Tenant immediately prior to initial occupancy and at least annually thereafter.

(10) The ~~Developer or~~ 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 Developer 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 ~~Developer or~~ Applicant shall take such action or actions as shall be necessary, to comply fully with the Code, Florida Statutes, and Florida Housing Rules.

(12) The ~~Developer or~~ Applicant shall execute or cause to be executed a Loan Agreement, Mortgage and such Credit Enhancement or Guarantee Instruments as shall be necessary to secure the Bonds.

(13) The Applicant Developer may limit the leasing of Elderly uUnits in a Development to older persons or those persons who qualify pursuant to the Federal Fair Housing Act in conjunction with the required income restrictions. Elderly Persons or to Elderly Persons who qualify as Lower Income Tenants and who comply with the Code income limitations.

(a) ~~The Developer may elect to achieve compliance with the requirement that 20 or 40 percent of the units in a Development be set aside for Lower Income Tenants or families as required by the Code by electing to lease to Elderly Persons who are also Lower Income Tenants under the Code.~~

(b) ~~The Developer may lease Elderly Units to Lower Income Tenants if a sufficient number of Elderly Persons cannot be found and the following criteria have been satisfied:~~

(14) In the event that the Applicant has determined that the market no longer supports the Development as housing for older persons pursuant to the Federal Fair Housing Act and desires to rent to younger persons or families, the following criteria must be met:

a.1. A Evidence of a viable marketing plan is submitted to and is acceptable to Florida Housing showing to show a good faith effort to market the unit to older persons.

b.2. The Applicant demonstrates Developer shows that a good faith effort was made to lease the unit in accordance with the Federal Fair Housing Act to older persons an Elderly Person and that such effort was made for at least six months 30 days after the certificate of occupancy for the relevant unit was issued.

3. The Developer agrees to continually maintain a waiting list with priority for Elderly Persons who apply after such time that such unit or units were made available to Lower Income Tenants.

c. The Applicant has requested and received Board approval.

(15)(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 are completed.

(16)(15) The owner of a Development must notify Florida Housing of an intended a change in the management company. Florida Housing must approve the Applicant's Developer's

selection of a management agent prior to such company assuming responsibility for the Development. The Applicant's authorized representative Developer and management agent of the Development must attend a Florida Housing-sponsored training workshop on certification and compliance procedures prior to the leasing of any units in the Development.

~~(17)~~(16) The Applicant Developer 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.

~~(18)~~(17) The Applicant Developer shall provide annually to the Trustee audited financial statements on the Development and any other information required by Florida Housing to comply with continuing disclosure requirements imposed by law.

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 91-21.006, Amended 1-26-99, \_\_\_\_\_.

#### 67-21.007 Fees.

Florida Housing shall collect the following fees and charges in conjunction with the Program:

(1) Application Package Fee: Each Applicant must obtain an Application Package and "Developer's Handbook" from Florida Housing. A fee of \$60 shall be payable to Florida Housing by any person requesting a copy of the Application Package, and said fee must be received by Florida Housing prior to the issuance of an Application Package.

(2) Application Fee: At the time of submission of the Application, Applicants shall submit a non-refundable Application fee to Florida Housing in the an amount of \$11,500 not to exceed one percent of the Loan Amount and established in the Application form. This fee includes the minimum estimated costs for the Limited Restricted Appraisal, Market Study, Completeness and Threshold Check, and TEFRA Fee. If actual costs exceed estimated costs for these items, Applicant shall be responsible for payment of the balance due as invoiced.

(3) TEFRA Fee: This fee is included in Application fee. \$500 of the Application Fee As part of the Application process, Applicants shall submit a \$500.00 deposit to Florida Housing that shall be applied to the actual cost of publishing required newspaper advertisements and Florida Administrative Weekly notices of TEFRA hearings. If the actual cost of the required publishing exceeds \$500.00, Applicant shall be invoiced for the difference. If a Local Public Fact Finding Hearing is requested, the Applicant Developer shall be responsible for payment of any fees incurred by Florida Housing's counsel. If the first TEFRA approval period has expired and second TEFRA notice and hearing is required, Applicant is responsible for all costs associated with additional TEFRA process.

~~(4) Threshold Check Fee: Applicants shall submit the required non-refundable Threshold Check Fee for each Development to the Credit Underwriter designated by Florida Housing within seven calendar days of the date of the notification from Florida Housing that the Application has entered the Threshold Check process and prior to credit review by the Credit Underwriter. The Threshold Check Fee shall be determined pursuant to a contract between Florida Housing and the Credit Underwriter and shall be set forth in the Application.~~

~~(5) Appraisal Fee: Applicants shall submit the required non-refundable Appraisal Fee for each Development to the Credit Underwriter designated by Florida Housing simultaneously with the delivery of the Threshold Check Fee. The Appraisal Fee shall be determined pursuant to the contract between Florida Housing and the Credit Underwriter and shall be set forth in the Application. This fee shall not be required for Applicants meeting the requirements of Rule 67-21.014(3)(e).~~

~~(6) Market Study Fee: Applicants shall submit the required non-refundable Market Study Fee for each Development to the Credit Underwriter designated by Florida Housing simultaneously with the delivery of the Threshold Check Fee. The Market Study Fee shall be determined pursuant to the contract between Florida Housing and the Credit Underwriter and shall be set forth in the Application. This fee shall not be required for Applicants meeting the requirements of Rule 67-21.014(3)(e).~~

~~(4)~~(7) Final Credit Underwriting and Appraisal Fee: Applicants shall submit the required non-refundable Final Credit Underwriting and Appraisal Fee for each Development to the Credit Underwriter designated by Florida Housing within seven calendar days of the date of the invitation by Florida Housing to enter the final credit underwriting process and prior to final credit review by the Credit Underwriter. The Final Credit Underwriting Fee shall be determined pursuant to a contract between Florida Housing and the Credit Underwriter and shall be set forth in the Application.

~~(5)~~(8) Good Faith Deposit: The Applicant shall pay a total deposit equal to one percent of the Bond Amount Loan Amount in the Loan Commitment or the Loan Amount in the Application, whichever is larger, to Florida Housing, which may be applied toward the Cost of Issuance Fee. The Good Faith Deposit is payable in two equal installments: the first installment (one-half of one percent); is due when the Board approves the final Credit Underwriting Report within seven business days of receiving the invitation to enter the final phase of credit underwriting. The balance is payable when at the Applicant executes time of the Developer executing the Loan Commitment which shall be not later than 5 calendar days from receipt of the Loan Commitment. In the event the Loan does not close, the unused portion of the Good Faith Deposit shall be refunded to the borrower. Notwithstanding the



foregoing, the borrower is responsible for all expenses incurred in preparation for loan closing. Any and all costs to FHFC will be deducted from the Good Faith Deposit prior to refunding unused funds to the Applicant. In the event that additional costs are incurred by FHFC subsequent to refunding the unused funds to the Applicant, Applicant shall be responsible for payment of the balance due as invoiced.

~~(6)(9)~~ Cost of Issuance Fee: Florida Housing shall require Applicants Borrowers or participating Qualified Lending Institutions selected for participation in the Program, to deliver to Florida Housing, or, at the request of Florida Housing, directly to the Trustee, before the date of delivery of the Bonds, a Cost of Issuance Fee in an amount determined by Florida Housing 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. Florida Housing shall provide the Applicant with a good faith estimate of the Cost of Issuance Fee following award of a portion of Florida Housing's State Bond Allocation to the Development by the Board. The Applicant Developer shall pay all costs and expenses incurred by Florida Housing in connection with the issuance of the Bonds, the expenditure of the Loan proceeds, and provision of a Credit Enhancement, if any, even if such costs and expenses may 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 will be returned to the Applicant considered additional Florida Housing Fee and will be retained by Florida Housing.

~~(7)(10)~~ 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 to be paid by the Applicant shall be determined by contract between Florida Housing and the environmental professional and shall be listed in the Application Package.

(b) Subsidy Layering Review Fee – The fee to be paid by the Applicant shall be determined by the contract between Florida Housing and the Credit Underwriter and shall be listed in the Application Package.

(c) HUD Endorsement Closing Docket Deposit – At closing, the Applicant shall pay a \$10,000 deposit to Florida Housing to be held in escrow pending receipt of documentation required for completion of the HUD Endorsement Closing Docket. Said documentation shall be due no later than 60 days prior to the scheduled endorsement date. If all required documentation is complete and timely submitted, Florida Housing shall return the deposit and interest earned to the Applicant upon Florida Housing's receipt of the HUD Final Endorsement. If all required documentation is not timely submitted or is incomplete, Florida Housing shall will retain a daily pro-rata share of the deposit in an amount equal to one-thirtieth of the initial deposit for each day the required

documentation remains outstanding. The balance and interest earned, if any, shall will be returned to the Applicant upon Florida Housing's receipt of the HUD Final Endorsement.

(d) Fees of the Florida Housing Finance Corporation Affordable Housing Guarantee Program pursuant to Rule 67-39, F.A.C.

~~(8)(11)~~ Compliance Monitoring Fees: The annual monitoring fee to be paid by the Applicant shall be determined by contract between Florida Housing and the monitoring agent and shall be listed in the Application Package.

~~(9)(12)~~ Permanent Loan Servicing Fees: The annual servicing fee to be paid by the Applicant shall be determined by contract between Florida Housing and the Servicer and shall be listed in the Application Package.

~~(10)(13)~~ Financial Monitoring Fees: The annual financial monitoring fee to be paid by the Applicant shall be determined by contract between Florida Housing and the monitoring agent and shall be listed in the Application Package.

~~(11)(14)~~ Other Florida Housing 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 same fee schedule as described in Rule Chapter 67-48, F.A.C., shall apply and be paid by the Applicant to Florida Housing and/or the Credit Underwriter.

(b) Florida Affordable Housing Guarantee Program Fees – If the Guarantee Program is used in the Development, the same fee schedule described in Rule 67-39, F.A.C. shall apply and be paid by the Applicant to Florida Housing.

~~(12)(15)~~ Development Cost Pro Forma: All of the fees set forth above with respect to the Program and other FHFC programs are part of the Total Development Cost. These costs must be included in the Development project cost pro forma.

~~(13)~~ Failure to timely pay any fee shall cause the Development to be placed at the bottom of removed from the ranking list and no further processing of the Application shall will occur until such fee has been paid and the Board has directed that the Application be reinstated.

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,\_\_\_\_\_.

67-21.008 Terms and Conditions of Loans.

(1) Each Mortgage Loan for a Development made by Florida Housing shall:

(a) Be evidenced by a properly executed Note or other evidence of indebtedness and be secured by a properly recorded Mortgage;

(b) Provide for payment of the Mortgage Loan in full not later than the expiration of the useful life of the property financed with the proceeds of the Mortgage Loan, and in any event, not 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 Florida Housing 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 meeting the requirements of Florida Statutes, section 420.508, which lending institution shall be paid a fee for its services which Florida Housing determines is usual in the lending industry and that is in accordance with the contract between Florida Housing and the 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 Florida Housing shall approve, which servicer shall be paid such fees and charges for its services as Florida Housing shall determine is reasonable and usual in the lending industry; and

(g) Require the submission to Florida Housing ~~by the Developer~~ of an annual audited financial statement for the Development, or for the Applicant Borrower if revenue from multiple projects is being pledged.

(2) Upon approval, execution, and satisfaction of the terms of the Program Documents by the Applicant Developer and Florida Housing, the Bond sale and the Loan shall be scheduled for closing.

(3) The ~~Developer or~~ 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 Code for Tax-exempt Bonds.

(4) The ~~Developer or~~ Applicant shall also establish and maintain escrow deposits sufficient to pay any insurance premiums and applicable taxes.

(5) Florida Housing shall charge such ~~P~~program administration fees as are required to pay the cost of administering the ~~p~~Program during the life of the Bonds and Loan.

(6) The interest rate on the Loan shall be determined by Florida Housing, at the time of the 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) Florida Housing shall appoint a trustee and servicing agent when necessary to administer the Program and service the Loan.

(9) All Florida Housing Loans are contingent upon:

(a) The sale, issuance and delivery of the Bonds and the availability of Bond proceeds.

(b) The ~~Developer or~~ Applicant obtaining title insurance on the property.

(c) The ~~Developer or~~ Applicant obtaining all governmental approvals for constructing and operating the Development as a multifamily housing Development.

(d) The Applicant Developer providing to Florida Housing 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 Florida Housing 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 Florida Housing, 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 Loans shall be reviewed and originated by a servicer designated by Florida Housing, in conformance with the Act. Early submission of the Good Faith Deposit to Florida Housing may accelerate work of the attorneys. The costs incurred as a result of early payment of the Good Faith Deposit are not refundable in the event the Development is not funded.

(11) The Applicant Developer shall agree to execute or cause to be executed all of the Program Loan Documents required by Florida Housing to secure the unconditional payment of the Loan and to retain the tax-exempt status of the Bonds, if Bonds are issued as Tax-exempt Bonds.

(12) The Applicant Borrower shall, prior to the requested date for funding, supply in draft form to Florida Housing the following documents with respect to the Development being financed, together with any other documents required by the 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 Florida Housing.

(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 Florida Housing or its Trustee or designated servicer, with only standard exceptions and such other exceptions as are usually permitted in mortgage loans of this nature. Such policy shall be in an amount not less than the Loan amount plus an amount sufficient to cover any debt service reserve required by Florida Housing.

(h) A copy of the deed or form of deed conveying the land for the Development to the ~~Applicant~~ Developer.

(i) Evidence as to the status of liens, including mechanic's liens, recorded against the property and the permission of Florida Housing to allow any liens to remain recorded against the land or the Development.

(j) Such other documents as shall be reasonably required by Florida Housing, by the Loan Commitment, or by Florida Housing's respective counsel to protect the interests of Florida Housing in the financing.

(13) The Borrower shall not sell, transfer, nor otherwise assign any of its interest in the Development without the prior written consent of Florida Housing.

(14) Florida Housing may require that all Loans be guaranteed or collateralized but shall require all Loans to be secured to the extent necessary to protect Florida Housing and Bond holders.

(15) Any Loan financed with proceeds of Tax-exempt Bonds shall provide that the portion of any debt service reserve fund associated therewith to be financed with Tax-Exempt Bonds shall not exceed six months of debt service on the Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.502, 420.507(4),(6),(9),(11),(21), 420.508 FS. History--New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 91-21.008, Amended 1-26-99, \_\_\_\_\_.

67-21.009 Interest Rate on Mortgage Loans.

Florida Housing ~~shall will~~ establish the interest rate on Mortgage Loans at the time of sale of the Bonds. The interest rate shall in no event exceed the arbitrage limit which is legally allowed without jeopardizing the tax-exempt status of the Bonds, if Bonds are issued as Tax-exempt Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented Chapter 75, 420.507, 420.508 FS. History--New 12-3-86, Amended 1-7-98, Formerly 91-21.009, Amended \_\_\_\_\_.

67-21.010 Issuance of Revenue Bonds.

Florida Housing ~~shall will~~ fund Mortgage Loans with the proceeds from the sale of Revenue Bonds. The issuance and sale of the Bonds shall be governed by resolutions adopted by Florida Housing 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 are in the best interest of Florida Housing, Florida Housing shall terminate its Loan Commitment and such other agreements as were executed in conjunction with the proposed Loan.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(6), 420.508, 420.509 FS. History--New 12-3-86, Amended 1-7-98, Formerly 91-21.010, Amended 1-26-99, \_\_\_\_\_.

67-21.011 No Discrimination.

Florida Housing, its staff or agents, ~~Applicants, Developers,~~ or participants under the Program shall not discriminate under this Program against any person or family, on the basis of race, creed, national origin, age, religion, handicap, familial status or sex, against persons or families on the basis of their having minor children, except that nothing herein shall be deemed to preclude a Developer from discrimination based on age in renting units in accordance with the Federal Fair Housing Act Elderly Housing, or to preclude a Developer from discrimination based on income in renting units Set-aside for Lower Income Tenants in compliance with the requirements of the Code or with the requirements of section 420.509(19), F.S., for Tax-exempt Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.502, 420.507(14) FS. History--New 12-3-86, Amended 2-22-89, 12-4-90, 1-7-98, Formerly 91-21.011, Amended 1-26-99, \_\_\_\_\_.

67-21.012 Advertisements.

Florida Housing shall require the ~~Applicant Developer~~ to withdraw from circulation advertisements with respect to the Development determined by Florida Housing to violate or be inconsistent with its policy of providing safe and sanitary affordable housing for low, moderate and middle income persons, families or persons or families with minor children.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(9),(14) FS. History--New 12-3-86, Amended 1-7-98, Formerly 91-21.012, Amended 1-26-99, \_\_\_\_\_.

67-21.013 Private Placements of Multifamily Mortgage Revenue Bonds.

Florida Housing may issue Revenue Bonds to fund Mortgage Loans; or to refund outstanding Bonds by means of a negotiated Private Placement of such Bonds to a Qualified Institutional Buyer. Florida Housing shall designate the placement agent with respect to such Bonds, who shall be on Florida Housing's approved bond underwriters list. A Qualified Institutional Buyer who is an ~~u~~nderwriter may contract to immediately resell such Bonds to other Qualified Institutional Buyers, which transaction shall continue to constitute a Private Placement. The amount of any placement agent fee and any amounts paid by any third party to an initial Qualified Institutional Buyer which is an ~~u~~nderwriter shall be subject to the approval of Florida Housing or its designee. Unless such Bonds are rated in one of the three 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 and each purchaser of such Bond, including subsequent purchasers unless the requirements of (2) or (3)

below are met, shall certify to Florida Housing 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 and an investment letter satisfactory to Florida Housing 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 ~~u~~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 and an investment letter satisfactory to Florida Housing and its counsel shall be obtained from each initial purchaser of the Bonds and from each subsequent transferee of the Bonds prior to any transfer thereof, to the effect that such purchaser is a Qualified Institutional Buyer.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(4),(5),(6),(9),(11),(14),(16),(18),(19),(20),(21) FS. History—New 11-23-94, Amended 1-7-98, Formerly 9I-21.013, Amended 1-26-99.

#### 67-21.014 Credit Underwriting Procedures.

(1) ~~After the cycle closing date. Following the Application Review process,~~ Florida Housing shall assign and forward all ~~those Applications determined by staff to be complete to the Credit Underwriter for the Completeness and Threshold Check.~~

~~(a) A notification of whether or not an Application has been forwarded to Threshold Check shall be provided by Florida Housing. Upon notification that an Application has entered the Threshold Check process, the required Threshold Check Fee must be received within seven calendar days of the date of the notice. Florida Housing will, within the specified seven calendar days, submit a copy of the Applicant's Application Package to the Credit Underwriter. Failure to submit the Threshold Check Fee by the specified deadline shall result in a loss of ranking for the Application.~~

~~(a)(b)~~ A positive recommendation as to compliance with the Completeness and Threshold Check by Florida Housing's Credit Underwriter and approval by the Florida Housing's Board of ~~Directors~~ shall be required for a Development to be invited to final Credit Underwriting except as provided in 67-21.003(10).

~~(b)(c)~~ An invitation into final Credit Underwriting shall require that the Applicant submit the ~~F~~Final ~~p~~Phase Credit Underwriting Fee and information required to complete the final Credit Underwriting, to the Credit Underwriter in accordance with the schedule established by Florida Housing upon the recommendation of the Credit Underwriter. Failure to

submit the Final Phase Credit Underwriting Fee or meet the deadlines established as set forth in the schedule shall result in the immediate termination of Final Phase Credit Underwriting activities and the Application shall be moved to the bottom of the ranked list. ~~Fee and information by the specified deadline shall result in a loss of ranking for the Application.~~

(2) The Credit Underwriter shall in final Credit Underwriting analyze and verify all information in the Application Package in order to make a recommendation to the Board on the feasibility of the Development.

(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 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 \$200 per unit must be deposited annually in the replacement reserve account for all Developments. This amount may be adjusted by the Board based on a physical needs assessment. 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 ~~The amount~~ cannot exceed 50 percent of the required replacement reserves for two years and must be placed in escrow at closing. Applicants with Credit Enhancement may employ a different replacement reserve structure with Florida Housing's approval.

(d) Florida Housing 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 nature.
3. The past performance of the Applicant, Developer, General Contractor, or management agent, in developing, constructing or managing Developments financed by Florida Housing or its predecessor, including, by way of example and not limitation, nonpayment of fees and noncompliance with program requirements.

4. Exposure of Florida Housing funds 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 ~~and/or~~ payment and performance bond shall ~~will~~ be required if Florida Housing determines upon recommendation of the Credit Underwriter after evaluation of conditions in paragraphs 1. through 3., above, that additional surety is needed.

(e) The Credit Underwriter shall review and make a recommendation to Florida Housing whether 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 Florida Housing 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.

(g) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall notify Florida Housing and request the information from the Applicant. Such requested information shall be submitted within five business days of receipt of the request therefor. Failure for any reason to submit required information by the specified deadline shall result in a loss of ranking for the Application.

(h) If audited financial statements are unavailable from the Applicant or from those members of the development team that are guaranteeing completion, the Applicant shall submit Credit Underwriter shall request federal tax returns for the past ~~three~~ two years to the Credit Underwriter.

~~(i)(3)(a)~~ Required appraisals, market studies, pre-construction analyses, and environmental studies (other than Phase I Environmental Site Assessments) shall be completed by professionals approved by Florida Housing's Credit Underwriters. 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.

~~(j)(b)~~ A limited restricted appraisal as defined by the Uniform Standards of Professional Appraisal Practice and separate market study shall be ordered as part of the Completeness and Threshold Check or at the request of the Developer, a full or self-contained appraisal may be ordered at such time. A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice shall be ordered not later than when an Application enters final Credit Underwriting. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order, upon notification by the Applicant and at the Applicant's expense, the appraisals of the Development. The Applicant is responsible for notifying the Credit Underwriter of the requested appraiser within 48 hours of when Application enters final Credit Underwriting in time to ensure the timely delivery of the appraisals. The Credit Underwriter shall review the appraisals to properly evaluate the loan request in relation to the property value.

~~(k)(e)~~ Appraisals and separate market studies submitted with the Application which have been ordered by third party credit enhancers or syndicators and which meet the above

requirements and are acceptable to the Credit Underwriter may be used utilized instead of the Appraisal or market study referenced above.

~~(3)(4)~~ The Applicant shall review and provide written comments on the draft Credit Underwriting report to Florida Housing and Credit Underwriter within the time frame established by Florida Housing. Florida Housing 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 Florida Housing's and Applicant's comments and release the revised report to Florida Housing and the Applicant. Any additional comments from the Applicant shall be received by Florida Housing and the Credit Underwriter within the established time frame. Then, the Credit Underwriter ~~shall~~ will provide a final report, which ~~shall~~ will address comments made by the Applicant to Florida Housing.

~~(4)(5)~~ After approval by the Board of the Credit Underwriter's favorable recommendation from ~~of~~ final Credit Underwriting and payment of one-half of the Good Faith Deposit, the Board of Directors, Florida Housing ~~s~~Staff and Florida Housing Counsel shall begin negotiations of the Loan Commitment.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508, 420.509 FS. History--New 1-7-98, Formerly 91-21.014, Amended 1-26-99, \_\_\_\_\_.

67-21.015 Use of Bonds with Other Affordable Housing Finance Programs.

(1) Applicants may use Tax-exempt or Taxable Bond financing in conjunction with other affordable housing finance programs administered by Florida Housing, including, by way of example, and not of limitation, the Housing Credit, the State Apartment Incentive Loan, the Florida Affordable Housing Guarantee, HOME Investment Partnerships Rental Loan, Predevelopment Loan Program and HUD Risk Sharing Programs.

(2) Applicants desiring to apply for financing from multiple programs shall submit separate applications using forms prescribed by each program and shall submit fees as required by the other programs, except that Applicants do not need to submit a separate Application for non competitive Housing Credits; this Application for Multifamily Bonds shall be used for non-competitive Housing Credits as well as Tax-exempt Bonds. Applicants shall, however, be required to pay the Housing Credits Application Fee. This fee should be submitted to the Housing Credits Program at the same time as Final Cost paperwork is submitted to the Housing Credit Program.

(3) Applicants that receive funding from other programs and the Multifamily Mortgage Revenue Bond Program shall comply with the requirements of the applicable program rule and this rule.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508 FS. History—New 1-7-98, Formerly 9I-21.015, Amended 1-26-99, \_\_\_\_\_

67-21.016 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 after the compliance workshop.

(4) Florida Housing ~~shall will~~ 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, 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. A sample Form TIC-1 can be obtained from Florida Housing.

(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 certificate of continuing program

compliance and copies of all Tenant Income Certifications executed since the last Program Report (to be sent to Florida Housing and the monitoring agent).

(7) The Developer shall, at least monthly, submit to Florida Housing and the Trustee a certificate of continuing program compliance stating the percentage of dwelling units that are:

(a) Occupied by lower-income tenants.

(b) Being held vacant for occupancy by lower-income tenants.

(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 will~~ 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 Tenants is discovered during the course of compliance monitoring or by any other means.

(9) Sponsors shall annually certify that the household gross income, adjusted for family size of each household occupying a unit set aside for Lower Income Tenants meets income requirements specified in Section 142(d)(3)(B) of 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 household qualifying under the provisions of Section 420.5087(2), Florida Statutes, in order to ensure continuing compliance of the Development.

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-21.015, Amended 1-26-99, \_\_\_\_\_

67-21.017 Transfer of Ownership.

(1) Any transfer of ownership of any Development shall be subject to approval by Florida Housing as described below and limitations of the Code. 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 Land Use Restriction Agreement and other Program Documents for such Development. Developers shall advise Florida Housing in writing of any change of ownership of the Developer aggregating 50 percent or more of ownership interests in the Developer within any six-month period.

(2) A request for transfer of ownership shall be submitted to Florida Housing in writing and include evidence that the current owner has agreed to the proposed sale. A detailed opinion letter from the Applicant's legal counsel describing the scope of the proposed transaction must also be provided. Florida Housing shall notify the current owner and potential

purchaser of any additional information necessary for the Board to make an informed decision. A written request for a transfer of ownership (along with additional information requested by Florida Housing for the Board package) which is received by Florida Housing at least 21 days prior to a noticed Board meeting shall be considered at the next Board meeting.

(3) Upon favorable consideration by the Board to a request for transfer, Florida Housing shall assign a Credit Underwriter, Bond Counsel, Special Counsel, and other professionals as needed to effect the transfer.

(4) Prior to the transfer of ownership (a) 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 Florida Housing as meeting the stated purposes of Florida Housing, (b) all outstanding fees owing to Florida Housing shall be paid, (c) the Development shall be in compliance with all existing regulatory requirements imposed by Florida Housing or its predecessor, (d) if the Set-aside requirements in the term of the existing Land Use Restriction Agreement are ~~is~~ expired or have less than 12 months remaining, such agreement shall be extended for a minimum of two years from the date of closing. The Credit Underwriter shall conduct a credit underwriting of the new owner upon any transfer of ownership. Additionally, the new owner shall be notified that any refunding of bonds associated with such Development project shall require a full Credit Underwriting of the Development.

(5) The prospective purchaser or current owner shall be responsible for payment of all fees for professional services rendered in association with the transfer of ownership.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.508(3)(a), 420.507, 420.508 FS. History—New 1-7-98, Formerly 91-21.017, Amended 1-26-99,\_\_\_\_\_.

67-21.018 Refundings and Troubled Development Review.

(1) Refunding of previously issued Bonds shall in all instances be at the option of Florida Housing and not an obligation of Florida Housing.

(2) Florida Housing shall will endeavor where feasible to refund Bonds which are either in default or face a pending default.

(3) Approval by Florida Housing for a refunding of an issue of Bonds for reasons related to pending default shall be subject to the following:

- (a) determination of the quality of the impending default;
- (b) submission of a sworn certificate of impending default by the Developer or Credit Enhancer;
- (c) submission of sworn certificate from the Developer 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 Developer or Credit Enhancer;

(e) independent evidence of market conditions in the Development location;

(f) evidence of effort by the Developer or Credit Enhancer to procure other sources of capital infusion;

(g) statement by the Developer or Credit Enhancer of the continued public purpose to be achieved by refunding;

(h) agreement by the Developer or Credit Enhancer to update the Land Use Restriction Agreement, including retention of state and federal income limits;

(i) new Credit Underwriting by Florida Housing, with new Bond amount determined by Florida Housing based upon real estate underwriting criteria and equal to the lesser of the amount determined by Florida Housing 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 Florida Housing; with consideration given to personal indemnification from the Developer if sufficient financial strength can be demonstrated;

(k) all costs of refunding are paid by the Developer or the Credit Enhancer outside of Bond proceeds, including all applicable fees;

(l) retention of annual fees by Florida Housing;

(m) provision of other evidence of the immediacy of default;

(n) retention of the Credit Enhancement; and

(o) management of the Development is reviewed and approved by Florida Housing.

(4) In connection with all refundings, the following shall apply:

(a) All outstanding fees of Florida Housing shall be paid in connection with the refunding;

(b) The Set-Asides required by the original Land Use Restriction Agreement shall be extended for a period determined by Florida Housing;

(c) A Credit Underwriting and an existing property valuation 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) 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;

(e) The loan shall be amortized over the remaining life of the Bonds; and

(f) Any material changes to the underlying documents shall be deemed to constitute a refunding for purposes hereof.

(g) 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 on forms provided by Florida Housing. It shall not be necessary to complete an Application in connection with a refunding request.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507, 420.508 FS. History—New 1-7-98, Formerly 9I-21.018, Amended 1-26-99, \_\_\_\_\_.

67-21.019 Issuance of Bonds for 501(c)(3)'s.

(1) Florida Housing shall entertain requests for it to serve as the issuer of tax exempt Bonds for the acquisition or construction of multifamily housing to be owned by a not-for-profit corporation organized under Section 501(c)(3) of the Code.

(2) In connection with all bonds issued pursuant to 67-21.019, F.A.C., Applicants shall be required to comply with the provisions of Rule 67-21.003, 67-21.004 [other than paragraph (4) therein] and Rule 67-21.0045 through 67-21.018, as if the 501(c)(3) Bonds are being issued as Tax-exempt Bonds under Section 141 of the Code, except with respect to Rule 67-21.007(4), F.A.C., and Rule 67-21.014, F.A.C., no CTC or CTC fee shall be required, and except with respect to Rule 67-21.004(2), only one Public Policy Criteria shall be satisfied in addition to the minimum federal Set-aside.

(3) In addition, Applicant shall submit the following:

(a) an abbreviated Application using specified forms from MFMRB2000;

(b) an initial bond counsel fee of \$1,000 along with IRS Form 1023 and all attachments and correspondence to and from the IRS relative to 501(c)(3) status of the Applicant; and

(c) an opinion from Applicant's counsel (at Applicant's sole expense evidencing the Applicant's qualifications as a 501(c)(3) and Applicant's authority to incur bond debt for multifamily housing.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(14),(24), 420.508 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joyce Martinez, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Susan J. Leigh, Chief Executive Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 1999, Corporation Board Meeting

DATE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 12, March 26, 1999

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-39.002
Feasibility Studies	67-39.003
Eligibility Criteria	67-39.004
Fees and Rates	67-39.005
Contractual Provisions	67-39.006
Reimbursable Costs	67-39.008
Program Documents	67-39.010
Guarantee Program	67-39.011
Guarantee Coverage	67-39.012
Guarantee Program Payments	67-39.014
Audit Requirement	67-39.015

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-39, Florida Administrative Code (F.A.C.), is to provide for the fees, rates, and contractual provisions for the issuance of an affordable housing guarantee, under the Florida Affordable Housing Guarantee Program.

SUMMARY: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to administration of the Florida Affordable Housing Guarantee Program, as specified in Rule Chapter 67-39, F.A.C.

STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.5092 FS.

LAW IMPLEMENTED: 420.5092 FS.

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

TIME AND DATE: 1:00 p.m., August 3, 1999

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gwen Lightfoot, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).



THE FULL TEXT OF THE PROPOSED RULES IS:

67-39.002 Definitions.

(1) "Act" means Section 420.5092 (Florida Affordable Housing Guarantee Program), Florida Statutes.

(2) "Affordable housing guarantee" means an obligation of the ~~Program Guarantee Fund~~ to guarantee the payment of an obligation made to finance or refinance the purchase, construction, or rehabilitation of eligible housing.

(3) ~~Corporation "Agency"~~ means the Florida Housing Finance ~~Corporation Agency~~.

(4) "Eligible housing" means any real and personal property designed and intended for the primary purpose of providing decent, safe, and sanitary residential units for homeownership or rental for persons meeting the eligibility criteria as provided in this rule.

(5) "Eligible persons" means for those projects not subject to any other restriction applicable to other ~~Corporation Agency~~ financed programs, one or more persons or a family, whose total annual adjusted household income is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(6) "Feasibility study" means those studies performed pursuant to this rule.

(7) "Guarantee ~~Program Fund~~" means the Affordable Housing Guarantee ~~Program Fund~~ created and established with proceeds of revenue bonds issued by the ~~Program Corporation Agency~~ to implement the Florida Affordable Housing Guarantee Program.

(8) "Guarantee ~~Program Fund~~ reserve requirement" means the amount of assets, or their equivalent, of the Guarantee ~~Program Fund~~ determined by the ~~Corporation Agency~~ as necessary to maintain the claims paying ability of the Guarantee ~~Program Fund~~. For these purposes, an asset equivalent may include, but is not limited to, a letter of credit, insurance policy, reinsurance treaty or policy, surety, guarantee or other security arrangement.

(9) "Obligee" means a qualified lending institution under a qualified obligation, and its successors and assigns approved by the ~~Corporation Agency~~.

(10) "Obligor/~~Principals~~" means the original borrower under a qualified obligation, and its successors and assigns approved by the ~~Corporation Agency~~.

(11) "Qualified lending institution" means any bank, trust company, national bank, savings bank, state or federal savings and loan association, state or federal credit union, insurance company, private or public pension fund, philanthropic institution, Florida Local Housing Finance Authorities or any other entity approved by the ~~Corporation Agency~~. The term "qualified lending institution" shall also include the Florida

Housing Finance ~~Corporation Agency~~. All qualified lending institutions must submit information, sufficient in detail to demonstrate the capacity to perform the functions and services necessary to adequately comply with the requirements contained in the guarantee documents. Information to be submitted must include a current ~~acceptable audited~~ financial statement; description detailing the institution's experience in originating and servicing affordable housing loans; and listing and qualifications of key personnel within the institution's affordable housing operation.

(12) "Qualified Obligation" means an obligation ~~loan~~ which is made or purchased by a qualified lending institution, deemed suitable for guarantee by the ~~Corporation Agency~~ and secured by one of the following: ~~(i) a residential property, (ii) a residential property which is located within an eligible urban or rural area, (iii) a residential property which is located within an economic development or economic opportunity zone, (i)(iv) a residential property which will provide affordable housing, (ii)(v) a residential property whose mortgage financing is to be provided by an entity created by local, state or federal legislation, or otherwise qualified lending institution or (iii)(vi)~~ such other collateral as meets the requirements of the feasibility study.

(13) "Residential property" means any existing building, structure, unit thereof or unimproved real property, which is used or occupied, or is intended to be used or occupied, wholly or partly, as the home or residence of one or more persons, including use or intended use for assisted living, emergency, transitional or shelter housing, and housing for persons with special needs.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History—New 4-5-93, Amended 2-16-94, 11-27-96, \_\_\_\_\_.

67-39.003 Feasibility Studies.

The ~~Corporation Agency~~ shall cause to be performed an affordable housing guarantee feasibility study prior to the issuance of any guarantee not contemplated by, or ~~incorporated within~~ a previous feasibility study. Each such feasibility study shall be accepted by the governing board of the ~~Corporation Agency~~ prior to the issuance of the guarantee pursuant thereto. Such study shall determine the type of eligible housing for which a guarantee is required for the investment of private capital, the anticipated risk of default for the classification of housing, and the level of fees, charges, premiums and reimbursement conditions necessary to establish a financially sound affordable housing guarantee program that exposes the funds deposited into the ~~Guarantee Program fund~~ to a reasonable or acceptable level of risk.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History—New 4-5-93, Amended 2-16-94, 12-26-95, 11-27-96, \_\_\_\_\_.

67-39.004 Eligibility Criteria.

In order to be eligible for an affordable housing guarantee issued by the Corporation Agency, the eligible housing must be a multi-family (5 or more dwelling units) housing development or single-family, owner-occupied housing which meets the eligibility criteria provided in the applicable feasibility study. In order for an obligation to be eligible for guarantee, the Corporation Agency must first find that:

(1) The property which is the security for such mortgage meets the requirements of the definition of a qualified obligation;

(2) The obligor/principals are ~~is~~ credit-worthy;

(3) The obligation is in such ~~principal~~ amount and form, and contains such terms and provisions with respect to property insurance, repairs, alterations, payment of taxes, reserves and assessments, delinquency charges, default remedies, additional security and other matters as the Corporation Agency, ~~with the advice of counsel~~, shall determine and are considered customary in the industry; ~~and~~

(4) The requirements of the Act are adequately met by the terms of the mortgage guarantee contract or other agreements;

(5) The obligation is made for a property that the qualified lending institution's funding is equal to or less than \$65,000 per unit, as may be adjusted from time to time by the Corporation; or such other amount as may be specifically approved by the Corporation's Board of Directors, upon appeal due to extenuating conditions; and

(6) Previous qualified obligations issued for the obligor/principals are being paid in a satisfactory manner as to terms, premium and fee payments and that all requirements of those obligations are being met by the obligor/principals.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 4-5-93, Amended 2-16-94, 12-26-95, 11-27-96,\_\_\_\_\_.

67-39.005 Fees and Rates.

For the issuance of an affordable housing guarantee, the Corporation Agency shall charge fees, premiums and rates as established in the applicable Feasibility Study to all applicants for a financially sound Affordable Housing Guarantee Program. A fee of not less than .1 percent (.0010) of the total proposed qualified mortgage amount shall be paid by the qualified lending institution at the time a multi-family loan or proposed loan is submitted to the Corporation Agency for consideration of an affordable housing guarantee. A fee of not less than .2 percent (.0020) of the total qualified multi-family mortgage amount shall be paid by the qualified lending institution at the time a Commitment to Guarantee is issued by the Corporation Agency.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 4-5-93, Amended 2-16-94, 12-26-95, 11-27-96,\_\_\_\_\_.

67-39.006 Contractual Provisions.

The Corporation Agency shall establish contractual provisions, which may include a right of foreclosure, to foster reimbursement of moneys paid pursuant to an affordable housing guarantee in the event of a covered default for which the qualified lending institution submits a claim for loss as defined in the guarantee program documents. A copy of the guarantee program documents is available from the Corporation Agency upon request.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 4-5-93, Amended 2-16-94, 12-26-95, 11-27-96,\_\_\_\_\_.

67-39.008 Reimbursable Costs.

The qualified lending institution or the obligor/principals shall pay all expenses incurred in the course of processing a request for an obligation, whether an obligation is ever issued. All expenses, exclusive of Agency Corporation administrative costs, incurred in the course of processing a request for a guarantee, whether a guarantee is ever issued, shall be paid by the qualified lending institution.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 2-16-94, Amended 2-16-94, 12-26-95, 11-27-96,\_\_\_\_\_.

67-39.010 Program Documents.

The issuance of an affordable housing guarantee requires the generation of certain program documents; including, but not limited to:

- (1) Master Guarantee Agreement with Qualified Lending Institution;
- (2) Commitment and Certificate of Guarantee; and
- (3) Additional Conditions to Commitment and Certificate of Guarantee.

The documents shall be binding and shall fully describe the responsibilities of and remedies available to the signing parties. The guarantee contract or other agreement issued by the Guarantee Program Fund shall establish the procedures to be followed by an obligee or other beneficiary of the guarantee in the event of a default under the terms of any guaranteed obligation. Prior to submitting a claim for payment, the obligee shall pursue such actions with respect to the pledged collateral as may be directed by the Corporation Agency from among the following: (i) becoming lawfully the obligee in possession thereof; (ii) causing a receiver to be appointed of such property; (iii) obtaining voluntary conveyance of the obligor's/principal's right and title to such property; or (iv) obtaining by foreclosure clear and unencumbered title to such property. Such remedy shall be pursued in accordance with the directions provided by the Corporation Agency on the advice of counsel.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 2-16-94, Amended 11-27-96,\_\_\_\_\_.

67-39.011 Guarantee Program.

In order to implement the Guarantee Program the Corporation shall have the following powers Agency will:

(1) Upon Corporation Agency board approval, issue a commitment to guarantee any qualified obligation(s) or aggregate of qualified obligations, guarantee any qualified obligations or aggregate of qualified mortgage loans, enter into contracts, agreements or treaties of insurance regarding any qualified obligations or aggregate of qualified obligations, and provide the guarantee on terms that minimize the financial risk to the Guarantee Program Fund while making the project financially feasible;

(2) Guarantee and issue commitments to guarantee any part of the payments required on qualified obligations upon such terms and conditions as contained in the program documents required under Rule 67-39.010;

(3) Enter into commitments to guarantee, contracts to guarantee and reinsurance contracts regarding qualified obligations, and to fulfill its obligations and enforce its rights under any guarantee so furnished;

(4) Fix a premium charge for its guarantee of obligations in an amount to be determined in accordance with the applicable feasibility study and establish and levy such other charges and fees in connection with applications for guarantee, guarantee commitments, contracts of guarantee and as are necessary to recover authorized reimbursable expenses under the Act or feasibility study; such premium charges, other charges and fees shall be payable as incurred;

(5) Consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security or any other term, of any obligation, the security for any obligation, contract or agreement of any kind which the Guarantee Program Fund has guaranteed or to which the Guarantee Program Fund is party;

(6) Foreclose any obligation in default or commence any action to protect or enforce any rights conferred upon the Corporation Agency and the Guarantee Program Fund, and to bid for and purchase such property at any foreclosure or at any other sale, or otherwise to acquire or take possession of any such property;

(7) Hold, manage, administer, lease or sell any property conveyed to or acquired by the Corporation Agency or the Guarantee Program Fund;

(8) Pay, pursue to final collection, compromise, waive or release any right, title, claim, lien or demand, however acquired, including any equity or right of redemption;

(9) Sell, at public or private sale, any mortgage, mortgage participation or other obligation held by the Corporation Agency or the Guarantee Program Fund;

(10) Procure insurance against any loss in connection with its property and other assets; and

(11) Establish such other contractual provisions as are necessary or incidental to the foregoing.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 2-16-94, Amended 12-26-95, 11-27-96,\_\_\_\_\_.

67-39.012 Guarantee Coverage.

(1) The guaranteed percentage of the outstanding principal indebtedness of an obligation or any aggregate of obligations authorized to be guaranteed under the Act may be only for such percentage that minimizes the financial risk to the Guarantee Program Fund while making the project financially feasible and to qualify for financing.

(2) An obligor/principals shall be, or by reason of an obligation guaranteed by the Guarantee Program Fund shall become, the owner or lessee of the property which secures the qualified obligation, and shall be able to bear the usual expenses of maintaining such structure and repay the obligation.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 2-16-94, Amended 11-27-96,\_\_\_\_\_.

67-39.014 Guarantee Program Fund Payments.

(1) The Guarantee Program Fund shall be maintained for the benefit of the qualified lending institutions whose qualified obligations are guaranteed under the Act. Amounts in the Guarantee Program Fund shall be used in accordance with the Act to satisfy any valid claim payable therefrom.

(2) Payments pursuant to contracts of guarantee and reinsurance may be made in a lump sum, or in partial payments made within such period of time as may be agreed to by the Corporation Agency and the qualified lending institution. Such payments by the Corporation Agency shall be payable solely and only from the Guarantee Program Fund. The Corporation Agency shall not guarantee or issue a commitment to guarantee a qualified obligation if the balance of the Guarantee Program Fund is less than the Guarantee Program Fund reserve requirement.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 2-16-94, Amended 11-27-96,\_\_\_\_\_.

67-39.015 Audit Requirement.

At least once in each fiscal year the Guarantee Program Fund shall be examined for the purposes of auditing the Guarantee Program's Fund's financial condition and determining the soundness of its management and operating policies. The Guarantee Program Fund shall pay the cost of each such examination. Copies of each report, including the findings, conclusions and recommendations, shall be furnished to the Corporation Agency.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 2-16-94, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David Woodward, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Susan J. Leigh, Chief Executive Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 1999, Corporation Board Meeting  
 DATE PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 12, March 26, 1999

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE NO.:	RULE TITLE:
3D-40.027	Mortgage Broker Education Requirement

NOTICE OF CHANGE

Notice is hereby given that the Department has made a change to the above rule based on comments by the Joint Administrative Procedures Committee. This rule was published in the Vol. 25, No. 20, May 21, 1999 issue of the Florida Administrative Weekly. When adopted, subsection (4) of Rule 3D-40.027 will read:

(4) Within five (5) days of completion of each twenty-four (24) hour mortgage broker course, the school shall submit to the Department a typed list of all students who successfully completed the course. In lieu of the typed list, the school may submit the list on a 3.5" diskette or by e-mail or by accessing the Department's website at [www.dbf.state.fl.us](http://www.dbf.state.fl.us). The list shall include the full name of the student, the social security number of each student, the school's name, the school's license number and the completion date.

**DEPARTMENT OF INSURANCE**

RULES NOS.:	RULE TITLES:
4-196.007	Annual Reports
4-196.015	Forms Incorporated by Reference
4-196.020	Premium Financing of Products Not Regulated by the Insurance Code and Related Unfair Trade Practices Prohibited

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 25, No. 13, April 2, 1999, issue of the Florida Administrative Weekly.

1. Subsection (2) of Rule 4-196.007, is changed by deleting "may result in administrative penalties or revocation of the premium finance license" and inserting "shall subject a license to fines as set forth in rule 4-207.007 and discipline as provided in ss. 627.832 and 627.833, F.S."

2. The Annual Report, incorporated by reference in subsection (2) of rule 4-196.015 is revised to provide the specific statute which must be complied with and to clarify certain instructions related to filling out the form. A copy of the revised form is available upon request.

3. Subsection (6) of rule 4-196.020 is revised by changing reference to Section 627.8405(4) to Section 627.8405(3).

All of these changes are the result of comments from the Joint Administrative Procedures Committee.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:	RULE TITLE:
5J-13.004	Security Claims

NOTICE OF CHANGE

The Florida Department of Agriculture and Consumer Services, Division of Consumer Services, pursuant to Section 120.54(3)(d)1., Florida Statutes (Supp. 1998), provides notice that revisions in its proposed rule 5J-13.004, previously published in the Florida Administrative Weekly, Vol. 25, No. 10, on March 12, 1999, are limited to technical changes not affecting the substance of the rule. When changed, Rule 5J-13.004 will read as follows:

5J-13.004 Security Claims.

For purposes of s. 539.001(4), F.S., relating to the processing of consumer claims against a pawnbroker's security, the Department shall utilize the following procedures:

(1) Any person injured by the fraud, misrepresentation, breach of contract, financial failure, or violation of any provision of s. 539.001, F.S., may file a claim with the Department.

(2) Upon the filing of such claim, the Department shall investigate and, if warranted, shall send to the pawnbroker in question, by certified mail, notice of the Department's intent to adjudicate the claim. Such notice shall direct the pawnbroker to respond in writing to the Department, either admitting or denying the allegations in the claim or advising the Department that the claim has been satisfied. Such notice shall further advise the pawnbroker that the Department intends to make a demand for payment of the security proceeds if the claim is not

satisfied, and that the pawnbroker has a right to a hearing to contest its liability for the claim in accordance with Chapter 120, F.S.

(3)(a) If the pawnbroker admits liability for the claim, but fails to satisfy the claim or request a hearing, the Department shall thereupon enter an order adjudicating the claim and demanding payment from the pawnbroker.

(b) If the pawnbroker denies liability for the claim, but fails to request a hearing, the Department shall thereupon enter an order adjudicating the claim and demanding payment from the pawnbroker.

(c) If the pawnbroker requests a hearing to contest its liability for the claim, the Department shall process said request in accordance with Chapter 120, F.S.

(4) Upon failure of the pawnbroker to pay claims duly adjudicated by order of the Department, the Department shall proceed to pay the adjudicated claims from the proceeds of the pawnbroker's security. In the event the amount of all adjudicated claims exceeds the amount of the security proceeds, the Department shall pay the adjudicated claims on a pro rata basis until the amount of the security proceeds is exhausted. If not exhausted, the security shall remain amenable to subsequent duly adjudicated claims.

(5) In calculating the amount to award in each claim, the Department shall consider the amount financed in the original pawn transaction, or any extension thereof, and the extent to which any portion of the amount financed has been repaid by the claimant.

Specific Authority 539.001(22), 570.07(23) FS. Law implemented 539.001(4)(a)2, FS. History–New

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

RULE NO.: 5K-4.010  
RULE TITLE: Fish and Fishery Products  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with §120.54(3)(d)1., F.S. published in Vol. 25, No. 18 on May 7, 1999, issue of the Florida Administrative Code Weekly:

**(5) CRUSTACEA INCLUDING BLUE CRAB.**

(a) General – This subsection provides requirements for the handling and processing of fish and fishery products which are crustacea, and are in addition to other requirements established in Chapter 500, F.S., the HACCP requirements incorporated by reference in 5K-4.002, F.A.C., the provisions of 5K-4.004, F.A.C., General Requirements for the Manufacturing, Processing, Packing, Holding, and Retailing of Foods, and the other sections of this chapter.

**(b)(a) Definitions. –**

1.2- Blue Crab – for the purposes of this section means the genus and species of crab known as Callinectes sapidus, either picked, peeled, or in the shell and any edible product thereof.

2.3- Blue crabmeat – any cooked or processed edible substance, used or intended for use in whole or in part for human consumption, derived from the blue crab.

3.4- Blue crabmeat Processing Establishment – any food establishment in which blue crabmeat is processed or otherwise prepared, packaged, and stored for human consumption.

4.5- Crustacea – is that class of arthropod which includes, but is not limited to, crabs, lobsters and shrimp.

5.6- HACCP (Hazard Analysis Critical Control Point) – a preventive food safety program used to protect the food supply against biological, chemical, and physical hazards.

6.7- Potentially Hazardous Food – a perishable food capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

7.8- Safe Temperatures – temperatures of forty-one degrees Fahrenheit (41<sup>0</sup> F) or below and one hundred-forty degrees Fahrenheit (140<sup>0</sup> F) or above as applied to blue crabmeat.

(d)4- Requirements for handling of blue crab and blue crabmeat.

a. Backing and washing – Where operation is not carried on at a picking table, a unit of approved material as defined in 21 CFR 110 or 21 CFR 123 shall be provided. Spray nozzles used for rinsing waste out of backed blue crab shall be smooth and easily cleaned. Backed blue crab shall be washed only under running water and placed in containers of approved material as defined in 21 CFR 110 or 21 CFR 123. Containers of cooked, washed blue crab shall not be exposed to additional splash or other contamination.

f. Cooling – Refrigeration equipment used for blue crabmeat shall be maintained at forty-one degrees Fahrenheit (41<sup>0</sup> F) or below. Sealed containers of picked blue crabmeat shall be placed in crushed ice immediately after weighing and sealing. Ice shall be from an approved source as defined in 5K-4.004(5)c., F.A.C and of satisfactory microbiological quality, kept free from contamination, and stored and handled in a sanitary manner. Ice crushers and ice receiving boxes shall be of impervious construction and shall be protected from foot traffic and flooding. No ice, water, or other foreign substance shall be allowed in direct contact with cooked blue crab or blue crabmeat during refrigeration or at any other time.

Specific Authority 500.09, 500.12(1)(d), 570.07(23) FS. Law Implemented 500.03, 500.04, 500.09, 500.10, 500.11, 500.12, 500.13 FS. History–New 9-8-68, Revised 3-1-72, Repromulgated 12-31-74, Formerly 5E-6.10, Amended 6-9-93, 9-12-94, Formerly 5E-6.010, Amended 8-8-95, 9-9-96

**DEPARTMENT OF REVENUE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12-25.0305	Scope of Rules
12-25.031	Definitions
12-25.033	Eligibility and Qualifications
12-25.035	Responsibility for Program Training, Certification Procedures, and Program Availability
12-25.037	Applying for Participation in the Program
12-25.038	Voluntary Disclosure of Liabilities for Other Taxes
12-25.039	Protest Procedure; Denial of a Request To Participate in the Certified Audit Program
12-25.041	Suspension of a Certified Audit In Progress
12-25.042	Withdrawal from the Certified Audit Program
12-25.045	A Certified Audit is Initiated by the Taxpayer But Not Completed
12-25.047	Development of Agreed Upon Procedures
12-25.048	Submission of the Certified Audit Report
12-25.049	Review of Certified Audit Reports
12-25.050	Protests

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., 1998 Supplement, published in the Vol. 25, No. 20, pp. 2421-2427, May 21, 1999, issue of the Florida Administrative Weekly.

12-25.0305 Scope of Rules.  
(1) through (2) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History—New \_\_\_\_\_.

12-25.031 Definitions.  
(1) through (11) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History—New \_\_\_\_\_.

12-25.033 Eligibility and Qualifications.

(1)(a) Any employee or owner of a qualified audit firm, responsible for planning, directing, conducting, reviewing, or reporting on a participating taxpayer's tax compliance in a certified audit must be a qualified practitioner.

(b) Any practitioner employed by the qualified audit firm ~~and~~ who performs audit analysis, makes auditing decisions on source documents, taxpayer data or sales transactions, or who performs agreed-upon procedures, except for the gathering of information for the planning work discussed in rule

12-25.047(1)(b)1., 2., 4., 5., 6., and 7., scheduling, or reconciling, must successfully complete a training course approved by the Department prior to their initial performance of the subject activities. The Department will approve the training, including instructional curriculum and materials, and testing, administered and delivered by the contract provider, if the provider meets all the conditions contained in pages 20 through 23 of the contract required to be established by both parties pursuant to Section 213.285(1), F.S., and Section 4 of Chapter 98-95, Laws of Florida. This contract is adopted and incorporated by reference. However, the Department ~~shall~~ ~~may~~ grant a waiver of this requirement for a specific certified audit in circumstances where a practitioner working on the subject audit can not complete his or her work due to a documented medical reason, a documented family emergency, or the practitioner has left the employment of the firm. The training course will, at a minimum, teach the basics of Florida Sales and Use tax law, and will include a required examination. The Department will be the final authority on the content of the training course and the nature, number, and type of questions on the examination. "Successfully complete" means the participant has met all the requirements for the course and achieved a scaled score of 70 percent ~~approved by the Department.~~ Further, any practitioner performing the subject activities shall be supervised by a qualified practitioner. The subject qualified practitioner will be physically on-site where the activities are performed.

~~(e) To continue to be qualified to perform the subject activities, the practitioner must complete a continuing education program developed by the FICPA and approved by the Department. The continuing education program requirement will not exceed eight hours every two years.~~

~~(c)(d)~~ No change.

~~(d)(e)~~ No change.

~~(e)(f)~~ No change.

(2) To be eligible to provide a certified audit service to a taxpayer, the qualified audit firm must be independent with respect to that taxpayer, pursuant to the guidelines established by Florida Board of Accountancy Advisory Opinions issued on certified audit independence questions, which are adopted and incorporated by reference. The Department will determine if the circumstances and facts of the particular situation are materially the same as situations for which guidelines were previously issued. If the facts and circumstances are unique or if the qualified audit firm believes there are differences between their situation(s) and the situation(s) previously addressed by the Board that were the basis for the Department to deny participation, then the qualified audit firm can request an Advisory Opinion from the Board on that particular situation(s). The Department shall then decide based on the guidelines in the Board's response to that request and based on General Standard No. 2 (Independence), Generally Accepted Auditing Standards, which are adopted and incorporated by

reference. If the qualified audit firm does not agree with the Department's decision, it can request a Declaratory Statement from the Board, which determination will be final.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New \_\_\_\_\_.

12-25.035 Responsibility for Program Training, Certification Procedures, and Program Availability.

(1) No change.

(2) The Department will approve the training, including instructional curriculum and materials, and testing administered and provided by the FICPA, if the FICPA meets all the conditions contained in the contract which must be established by both parties pursuant to Section 213.285(1), F.S., and Section 4 of Chapter 98-95, Laws of Florida. The FICPA will submit to the Department, within thirty calendar days of the date the final certification test is administered to training participants, a list containing the name and business address of all participants who successfully complete the training and examination program.

(3) through (4) No change.

(5) Continuing professional education is required for practitioners and qualified practitioners as part of the training required pursuant to the directives in s. 213.285(1)(a), F.S., and Section 4 of Chapter 98-95, L.O.F. These laws require the training to be developed and delivered by the FICPA and approved by the Department pursuant to the contract signed by the Department and the FICPA. The Department shall approve the continuing professional education program if it meets all the criteria established in the contract.

(a) Practitioners must complete a continuing professional education program which will not exceed eight hours every two years.

(b) A To be recertified, a qualified practitioner must complete a continuing professional education program which developed by the FICPA and approved by the Department. The continuing education program requirement will not exceed sixteen hours every two years.

(6) through (8) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New \_\_\_\_\_.

12-25.037 Applying for participation in the Program.

(1) The following public use form is employed by the Department of Revenue in its dealings with the public, and is hereby incorporated in these rules by reference. Copies of this form are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at 850-922-2208; or 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during

regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (http://sun6.dms.state.fl.us/dor/). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331. When a qualified practitioner has a client who agrees to participate in the program, the qualified practitioner must complete a Request to Participate in the Certified Audit program (form DR-342000) ~~adopted and incorporated by reference~~, which includes a Power of Attorney (form DR-835), and submit the Request to Participate, including any required supporting information to the Department.

Form Number	Title	Effective Date
DR-342000	Request to Participate in the Certified Audit program (N. 8/99)	8/99

(2) through (9) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New \_\_\_\_\_.

12-25.038 Voluntary Disclosure of Liabilities for Other Taxes.

(1) through (2) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New \_\_\_\_\_.

12-25.039 Protest Procedure; Denial of a Request To Participate in the Certified Audit Program.

(1) through (3) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New \_\_\_\_\_.

12-25.041 Suspension of a Certified Audit In Progress.

(1) Approval to participate will be suspended or revoked by the Department based on the following criteria: for good cause. Cause would include:

(a) Suspension:

1. The Florida Board of Accountancy suspends the firm license of the qualified audit firm. The taxpayer files for bankruptcy subsequent to approval of participation but prior to Department approval of the subject certified audit report.

2. (b) The Department initiates an investigation or is notified by another local, state or federal agency of an investigation for financial impropriety subsequent to approval of participation but prior to Department approval of the subject certified audit report.

(b) Revocation:

1. The taxpayer files for bankruptcy subsequent to approval of participation but prior to Department approval of the subject certified audit report.

2. The ~~Should the~~ result of the investigation discussed in subparagraph (a)2. of this subsection is ~~be~~ unfavorable to the taxpayer, participation approval will be withdrawn.

3. (c) The Florida Board of Accountancy revokes ~~or~~ suspends the firm license of the qualified audit firm.

(2) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History–New \_\_\_\_\_.

12-25.042 Withdrawal from the Certified Audit Program.

(1) through (3) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History–New \_\_\_\_\_.

12-25.045 A Certified Audit is Initiated by the Taxpayer ~~But~~ Not Completed.

No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History–New \_\_\_\_\_.

12-25.047 Development of Agreed Upon Procedures.

(1)(a) Certified Audits conducted pursuant to the authority of s. 213.285, F.S., are attestation engagements that are conducted under Statements on Standards for Attestation Engagements #4. – Agreed Upon Procedures, which are adopted and incorporated by reference.

(b) Subsequent to the Department’s approval of the Request To Participate, and prior to the qualified practitioner submitting the Audit Plan, the qualified practitioner will perform required planning work. The planning work performed will include:

1. through 6. No change.

7. Performance of and reporting on steps AP.001 through AP.300 of the Standard Audit Program, which are adopted and incorporated by reference.

8. through 10. No change.

(2) through (5) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History–New \_\_\_\_\_.

12-25.048 Submission of the Certified Audit Report.

The qualified practitioner will submit the certified audit report and required attachments to the Department for review and approval.

(1) through (4) No change.

(5) The Department is authorized to share any of the information discussed in this rule with any county which, pursuant to law, self-administers the taxes ~~tax~~ imposed by Sections 125.0104(3) and (10) or 125.0108(1), F.S.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented ch. 98-95, L.O.F., 213.285 FS. History–New \_\_\_\_\_.

12-25.049 Review of Certified Audit Reports.

(1) through (4) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History–New \_\_\_\_\_.

12-25.050 Protests.

No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-12  
 RULE CHAPTER TITLE: Classification of Roads

RULE NO.: 14-12.021  
 RULE TITLE: Scenic Highways

**CHANGE NOTICE**

SUMMARY OF CHANGES: There are no changes to the actual rule except for the revision date for Appendix F, which is changed from “(Rev. 01/07/99)” to “(Rev. 07/01/99)”. However, there are changes to Appendix F, which is incorporated by reference under the rule. These changes are summarized as follows:

1. The definition of Archaeological Resources is revised to read:

“Archaeological Resources” are the physical evidence or remains of known historic or prehistoric human life, activity, or culture in Florida. Examples of archaeological resources are ~~For example,~~ significant ruins, artifacts, inscriptions, and structural and/or human remains ~~may all be considered archaeological resources.~~ These resources differ from historic resources in that they may have existed before written records were kept in an area.

2. The definition of Historical Resources is revised to read: “Historical Resources” means distinctive physical elements in the landscape, either natural or manmade, that reflect the action of humans as they relate to past events, sites, or structures. These historical resources symbolize an important era in Florida history and portray a legacy of Florida that educates viewers while providing an appreciation of the past. Examples of historical resources are ~~Resources may include~~ buildings, Indian habitations, trails, engineering structures, settlement patterns, and landscapes.

3. The definition of Metropolitan Planning Organization is revised to read:

“Metropolitan Planning Organization” (MPO) means the forum for cooperative transportation decision making for the metropolitan planning area, ~~as defined by Federal Transportation Planning Regulation 23 C.F.R. 450.104. MPOs designated prior to the promulgation of this regulation remain in effect until redesignated in accordance with 23 C.F.R. 450.106 and nothing in this part is intended to require or encourage such redesignation.~~

4. The definition of National Scenic Byway is revised to read:

“National Scenic Byway” means a scenic highway which is designated by the federal government as satisfying the criteria for a National Scenic Byway ~~pursuant to Section 1047(f) of Title 23 U.S.C. and any federal regulation and guidelines.~~ These roadways offer drivers and passengers views of cultural,



historical, archeological, recreational, natural, or scenic resources and provide a relaxed recreation and educational experience.

5. The definition of Recreation Resources is revised to read:

“Recreation Resources” are those that provide either active or passive outdoor recreational activities directly dependent upon the natural or cultural elements of the landscape. Examples of recreation resources ~~These activities may~~ include boating, saltwater and freshwater fishing, hiking, canoeing, camping (RV/trailer and tent), biking, saltwater beach activities, wildlife viewing, horseback riding, driving, hunting, and picnicking.

6. Required Elements of a Florida Scenic Highway B.2.(c)(1) Archaeological Resources is revised to read:

(c) Archaeological Resources

(1) Listed or eligible for listing on the National Register of Historic Places ~~under Title 36 C.F.R., Part 800 (1966, as amended), which is incorporated herein by reference,~~ or designated to be of historical significance by a local government that has been certified under the guidelines adopted by the Division of Historical Resources of the Florida Department of State.

7. XV. Standard Exceptions and Signing Requirements A.2. is revised to read:

2. Signing of the designated scenic highway shall be as close to the termini as possible. Signing will be installed at no more than five mile intervals along the scenic highway.

However, exceptions ~~are can be~~ made when required by based on frequency of intersections and directional needs to assist the traveling public.

Notice of rulemaking was published in Florida Administrative Weekly, Vol. 25, No. 15, dated April 16, 1999. The changes are in response to review and comments provided by the Joint Administrative Procedures Committee staff attorney.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-46  
RULE CHAPTER TITLE: Railroads/Utilities Installation or Adjustment

RULE NO.: 14-46.001  
RULE TITLE: Utilities Installation or Adjustment

**NOTICE OF CHANGE**

**SUMMARY OF CHANGES:**

1. Rule Changes: Rule 14-46.001 was changed based upon review by the Joint Administrative Procedures Committee. Changes included the following:

- a. In Sections (3)(a), (5), and (6): Remove the phrase “at no more than cost pursuant to Section 120.53(2)(a), Florida Statutes.”
- b. In Section (3)(b), revised wording on the incorporation by reference statements to clarify where copies of the form are available.

c. In Section (5), the reference to 23 C.F.R., Part 645 is clarified.

The following is a revised draft of Rule 14-46.001, which includes the above listed changes:

14-46.001 Utilities Installation or Adjustment.

(1) Purpose. This policy is established to regulate the location and manner for installation and adjustment of utility facilities on any FDOT right-of-way, in the interest of safety and ~~of~~ protection, utilization, and future development of these rights-of-way, with due consideration given to public service afforded by adequate and economical utility installations, and to provide procedures for the issuance of permits.

(2) Authorization by the FDOT Required. No person shall enter upon any right-of-way under the jurisdiction of the FDOT to construct, alter, operate, maintain, or relocate any utility installation without first being issued a permit to do so except as otherwise noted in the FDOT’s Utility Accommodation Manual.

(3) Permits.

(a) The FDOT will issue permits for the construction, alteration, operation, relocation, and maintenance of utilities upon the right-of-way in conformity with the FDOT’s Utility Accommodation Manual, January 1999 ~~June 1993~~ edition, FDOT Document No. 710-020-001-~~de~~, which is hereby incorporated by reference and made part of this rule, and which supersedes all previous editions. Copies of this document are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450 ~~at no more than cost pursuant to Section 120.53(2)(a), Florida Statutes.~~

(b) The Utility Permit, FDOT Form 710-010-85, Rev. 01/99, is incorporated herein by reference ~~06/96 superseded Permit Form 592-03 listed in Section (3)(a) of the Utility Accommodation Manual, June 1993 edition, will be used in lieu of the superseded form listed in the manual.~~ Copies of FDOT Form 710-010-85, Rev. 01/99, are available ~~06/96 be obtained~~ from the State Utility Engineer at 605 Suwannee Street, Mail Station 32, Tallahassee, Florida 32399-0450, or the District Maintenance Engineer’s Office in ~~at~~ each of the Department’s districts.

(4) Reimbursement Conditions (Other than Interstate).

(a) The FDOT will not reimburse any utility for adjustment, relocation, or removal of existing utilities where the utility is located on public rights-of-way or other areas dedicated for public use.

(b) The FDOT will reimburse a utility for the relocation, adjustment, or removal of its facilities as a result of a FDOT construction project, where the utility’s facilities are located on property in which the utility holds a compensable property interest.

(5) Reimbursement Conditions (Interstate). If relocation of utility facilities is required by construction of a project on the Federal-Aid Interstate System, and the cost of such project is

financed by the federal government ~~up to the extent of 90% under the Federal-Aid Highway Act, then in that event the~~ FDOT will reimburse the expense of utility relocation which qualifies for reimbursement under Section 337.403(1)(a), Florida Statutes, and is subject to the provisions of ~~in~~ accordance with 23 C.F.R., Part 645, which regulations are hereby incorporated by reference and made a part of these rules. Copies of these federal regulations are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450 ~~at no more than cost pursuant to Section 120.53(2)(a), Florida Statutes.~~

(6) Calculation of State Cost Participation. When the utility is eligible for any reimbursement from the FDOT, state participation will be based on the cost of making the required change in the utility after deducting any resulting increase in the value of the new utility and any salvage value derived from the old utility, and otherwise as fixed by FDOT Procedure, Utility Relocation Costs, No. 710-010-030-b, effective May 19, 1989, which is hereby incorporated by reference and made a part of these rules. Copies of this document are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450 ~~at no more than cost pursuant to Section 120.53(2)(a), Florida Statutes.~~

(7) Cost Development and Reimbursement. Reimbursement by the FDOT for any eligible utility work will be based upon an executed utility agreement between the FDOT and the utility, authorizing the work of adjusting or relocating utility facilities. Reimbursement for utility work involving Federal-Aid Participation will be subject to the provisions of 23 C.F.R., Part 645.

(8) Utilities Liaison. FDOT will coordinate its advance planning of highway projects with the affected utilities to facilitate the relocation of the utility.

Specific Authority 334.044(2) FS. Law Implemented 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS. History—New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93,\_\_\_\_\_.

2. Changes to the Comparison with Federal Regulations Statement Provided to the Joint Administrative Procedures Committee: The Statement is revised to read as follows:

“COMPARISON WITH FEDERAL RULES: The rule complies with 23 C.F.R., Part 645 and those federal rules and regulations referred to within the *Utility Accommodation Manual*. These federal regulations are, 49 C.F.R., Part 192 and 49 C.F.R., Part 195, which are incorporated within the *Utility Accommodation Manual* by reference.”

3. Changes to the *Utility Accommodation Manual* are summarized as follows:

a. Chapter 1, Section 1.4 – Paragraph 1 added and incorporation by reference eliminated.

b. Chapter 2 – Definition revisions for “Contractor,” “In-kind,” AND “Utility Facilities”, AND Add a definition for “Equal Material.”

c. Chapter 3, Section 3.2.1(Q) – Qualifying criteria were added.

d. Chapter 5, Section TABLE 5.1.2.4 – “Design Speed” changed to “Posted Speed,” a column for radii was added as well as a limitation on maximum radii at which an adjustment was required.

e. Chapter 5, Section 5.2.1 – Reference correction.

f. Chapter 5, Section 5.4.3.4 – PARAGRAPH 2 – The last sentence was eliminated.

g. Chapter 5, Section 5.4.5 – Added text to incorporate QPL process by reference.

h. Chapter 5, Section 5.4.5 – Subsections 5.4.5.1 and 5.4.5.2 were eliminated with subsequent renumbering.

i. Chapter 5, Section 5.4.5.4 – The appropriate ASTM Specifications A-123, A-153, and A-307 have been incorporated by reference.

j. Chapter 5, Section 5.4.6.1 – Text modified for clarification regarding reference.

k. Chapter 5, Section 5.6.2 – Added criteria for allowance of cutting pavement.

l. Chapter 6, Section 6.1 – Rewritten to include Statute language in deference to paraphrasing. Eliminated the last sentence, and “may” in the third. Also added criteria for FDOT approval.

m. Chapter 6, Section 6.1.8 – Addition of the word “Permittee” at the end of the sentence and change word “hailed” to “removed.”

n. Chapter 6, section 6.1.11 – Added criteria for method determination.

o. Chapter 6, Section 6.1.12 – Delete the word “acceptable” in the last sentence.

p. Chapter 6, section 6.1.13 – Incorporation by reference removed as they are mentioned for informational purposes only.

q. Chapter 7, Section 7.4, Paragraph 6 – Text revised to state criteria for determining an action.

r. Chapter 7, Section 7.4, Paragraph 7 – Revised to include example citations of other controlling agency provisions.

s. Chapter 9, Section 9.2(H) – Re-added text accidentally deleted in last edit process.

t. Chapter 10, Section 10.8 – Rewritten to state criteria and eliminate PSC reference. 2nd full paragraph – Last sentence has been struck. Par. 5- Clarified responsibility.

u. Chapter 10, Section 10.16 – Eliminated last sentence and clarified permit conditions.

v. Chapter 10, Subsection 10.17 – Clarified “standards” citation.

w. Chapter 13, Section 13.1 – Eliminated last sentence in last paragraph regarding “Escalation”.

x. Exhibit A – Added signature block for the State Roadway Design Engineer.

y. Exhibit C – “Permit” Page 3, Paragraph (L) – Paragraph (L) revised changing “may” to “will.”

- z. Exhibit C – Function (3). Established minimum criteria.
- aa. Exhibit C – Benefit Cost (E). Eliminate last part of the sentence.
- bb. Exhibit H – Added titles to top of page of the figures.
- cc. Exhibit J Permit, Page 2, Paragraph 13 – Last sentence deleted because of unnecessary duplication and added ITEMS 16 AND 17 (FLORIDA STATUTES).
- dd. Exhibit K References – Updated added statement of incorporation of all references.

Notice of rulemaking was published in Florida Administrative Weekly, Vol. 25, No. 2, dated January 15, 1999. The rulemaking process was tolled under the provisions of Section 120.54(3)6.e., Florida Statutes, pending the resolution of changes based upon review and comments provided by the Joint Administrative Procedures Committee staff attorney.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-3.0063                      RULE TITLE: Inmate Substance Abuse Testing  
 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. 25, No. 20, (May 21, 1999), issue of the Florida Administrative Weekly:

33-3.0063(2)(a)3. is changed as follows:

- 3. When for-cause testing is ordered, an incident report shall be prepared including:
  - a. Dates and times of reported drug-related events;
  - b. Rationale leading to the request for testing; and
  - ~~e. The drugs recommended for testing.~~

33-3.0063(3)(a)2. is changed as follows:

2. The chain of evidence form allows for any comments by the collector regarding any unusual observations, ~~any~~ failure by the inmate to cooperate with the collection process, and the unusual nature(e.g., discolored urine or urine containing foreign objects) of any specimen provided shall be noted.

33-3.0063(3)(d)3. is changed as follows:

3. Any specimens found to be positive upon initial testing shall be re-tested at the department testing facility that day with a fresh aliquot sample of the specimen prior to reporting test results. Specimens testing negative on the retest shall be reported as negative.

33-3.0063(3)(e) is changed as follows:

5. On-site testing facilities shall maintain a log of all substance abuse testing conducted. The log shall reflect the test purpose, date of testing, results and date of data entry.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**  
 RULE NO.: 40D-3.051                      RULE TITLE: Exemptions  
 NOTICE OF CHANGE

Notice if hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., published in Vol. 25, No. 20, page 2523, May 28, 1999, issue of the Florida Administrative Weekly.

40D-3.051(2) shall now read as follows:

In emergency situations when compliance with the requirements of Part III of Chapter 373, F.S., or Chapter 40D-3, F.A.C., will result in undue hardship, including those situations when an unexpected problem is encountered during the construction, repair or abandonment of a well, the Executive Director, or the Executive Director’s designee, shall authorize an exemption, by telephone, from the conditions required by a permit or rule requirements for a well. A Well Completion Report documenting the exemption must be submitted to the District in writing within 30 days of completion.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-14.006                      RULE TITLE: Casting Feet  
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 10, of the March 12, 1999, issue of the Florida Administrative Weekly. The Board, at its meeting held on June 18, 1999, in Naples, Florida, reviewed written comments submitted by the staff of the Joint Administrative Procedures Committee, and determined that the word “not” had been inadvertently omitted and, accordingly, the rule should be changed. When changed, the rule shall read as follows:

“The practice of casting feet (making reproductions of feet or parts of feet), for the purpose of fabricating any orthopedic foot appliances (prosthetics) or molded shoes, and the making of such orthopedic foot appliances (prosthetics) or molded shoes from such casts is a violation of Chapter 461, Florida Statutes, when such orthopedic appliances or molded shoes or prosthetics or casts are made by persons not licensed to practice podiatric medicine in Florida, or a person not otherwise exempted from Chapter 461, F.S., and where such casts are made for or such appliances or shoes are applied for the correction of an abnormal ailment or orthopedic ailment, unless by prescription from a podiatric physician licensed in Florida.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NOS.:                   RULE TITLES:  
 64D-2.004                   Testing Requirements  
 64D-2.006                   Registration of HIV Testing  
   Programs

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the above proposed rules published in the Florida Administrative Weekly, Vol. 25, No. 19, May 14, 1999. The changes were made in response to written comments received by the public and incorporated into the Public Hearing record and those received by the Florida Legislature Joint Administrative Procedures Committee.

64D-2.004(1) The proposed new language is amended to read: Information shall also be included on the fact that persons who test positive will be reported to the local county health department, that anonymous testing is available and the locations of anonymous testing sites.

64D-2.004(4)(a) Language that was proposed to be deleted will be reinserted.

64D-2.004(6) The proposed new language is amended to read: Any health care provider attending a pregnant woman for conditions related to her pregnancy shall counsel the woman on the potential benefits, potential risks and limitations of treatment to reduce the risk of transmission from infected women to their babies and offer HIV testing in accordance with s. 384.31, F.S.

64D-2.006(1)(b) For the purpose of this rule, an HIV testing program is a program which provides HIV testing services with the sole purpose of either identifying HIV infection in infected persons, or providing HIV testing services as an adjunct to the provision of comprehensive, out-patient care and treatment to HIV infected persons. This definition does not apply to include any health care provider who that performs or provides HIV testing services which are incidental to the primary diagnosis or care of a patient if the health care provider does not announce, solicit, display or advertise that they are conducting a testing program.

64D-2.006(7) Proposed new language has been withdrawn.

64D-2.006(11) ~~Pursuant to s. 381.031, F.S., the department shall have the right to make inspections and investigations by any duly authorized officer or employee of the department as are necessary in order to respond to complaints or to determine compliance with the provisions of s. 381.004(5), F.S., and the rules adopted thereto.~~

64D-2.006(12) ~~The department shall institute injunctive proceedings in a court of competent jurisdiction when violations of the provisions of s. 381.004(5), F.S., or any rules promulgated thereunder constitute an emergency affecting the immediate health, safety, and welfare of a person receiving services.~~

64D-2.006(10)(13)(14) Proposed changes remain, paragraph renumbered.

64D-2.006(11)(14)(12) Proposed changes remain, paragraph renumbered.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE NO.:                   RULE TITLE:  
 64E-14.020                   Citations

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 15, April 16, 1999, of the Florida Administrative Weekly:

The changes were made in response to written comments received from the Florida Legislature Joint Administrative Procedures Committee.

The first sentence of subsection 64E-14.020(1) has been changed so that when adopted it will read: "Citations will be written on DH Form 4084, ~~Feb 99 June 98~~, herein incorporated by reference, and shall describe the particular nature of the violation, including a specific reference to the provisions of statute or rule allegedly violated and each day the violation exists constitutes a separate violation for which a citation may be issued. The citation shall be issued to the owner, supervisor, or operator of the migrant farmworker housing or to the responsible person for remedying the field sanitation facilities' violation including the crew leader, the harvesting company, or the property owner and when a responsible person cannot be identified, any of the above may be cited. The DH Form 4084 can be obtained from the Department of Health.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.:                   RULE TITLE:  
 65A-4.213                   Learnfare

**CONTINUATION OF PROPOSED RULEMAKING**

The Department of Children and Family Services announces a public hearing to which all persons are invited.

DATE AND TIME: July 26, 1999, 3:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

PURPOSE: To discuss the department's intent to further amend administrative rule 65A-4.213, FAC, concerning the temporary cash assistance eligibility requirements of Learnfare.

This rule was previously scheduled for hearing on February 16, 1999 by notice of proposed rulemaking in the Florida Administrative Weekly, Vol. 25, No. 3, January 22, 1999. A notice of change was published in Vol. 25, No. 15, April 16, 1999, subsequent to a public hearing held on April 6,

1999. Another public hearing was held on June 11, 1999 resulting in decisions remaining that necessitated further discussion.

The department intends to further discuss amending verification of school attendance requirements in the proposed rule text and amending forms associated with Learnfare.

These are the only items proposed for discussion in this public hearing. As a result, no itemized agenda will be prepared.

Any person desiring more information about this hearing or special accommodations under the Americans with Disabilities Act should contact Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program, Building 3, Room 412D, 1317 Winnowed Boulevard, Tallahassee, Florida 32300-0700 or telephone (850)488-3090. If special accommodations are required, please make the contact at least 24 hours prior to the hearing.

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
67-21.002	Definitions
67-21.003	Application and Selection Process for Loans
67-21.0035	Applicant Administrative Appeal Process
67-21.004	Selection Criteria and Guidelines for Selection of Developments
67-21.0045	Determination of Method of Bond Sale
67-21.005	Originators Selection of Qualified Lending Institutions as Credit Underwriters, or Servicers
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.011	No Discrimination
67-21.012	Advertisements
67-21.013	Private Placements of Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with other Affordable Housing Finance Programs
67-21.016	Compliance Procedures
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for 501(c)(3)'s

**NOTICE OF WITHDRAWAL**

The proposed Rule section listed above published in Vol. 25, No. 25, of the Florida Administrative Weekly on June 25, 1999, are hereby withdrawn.

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
67-39.002	Definitions
67-39.003	Feasibility Studies
67-39.004	Eligibility Criteria
67-39.005	Fees and Rates
67-39.006	Contractual Provisions
67-39.008	Reimbursable Costs
67-39.010	Program Documents
67-39.011	Guarantee Program
67-39.012	Guarantee Coverage
67-39.014	Guarantee Program Payments
67-39.015	Audit Requirement

**NOTICE OF WITHDRAWAL**

The proposed Rule sections listed above as published in Vol. 25, No. 25, of the Florida Administrative Weekly on June 25, 1999, are hereby withdrawn.

**Section IV  
Emergency Rules**

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Sales of Clothing During the Period July 31 through August 8, 1999	12AER99-1

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized promulgation of an emergency rule to administer the provisions of the Florida Residents' Tax Relief Act of 1999. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the Florida Residents' Tax Relief Act of 1999.

**SUMMARY OF THE RULE:** This emergency rule notifies the general public and retailers of the Florida Residents' Tax Relief Act of 1999 (Chapter 99-229, Laws of Florida) granting a nine day exemption from sales tax on the sales of clothing, and certain accessories, that have a sales price of \$100.00 or less. The nine day exemption begins at 12:01 a.m. on July 31, 1999, and expires at midnight on August 8, 1999. The exemption does not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), F.S., or within a public lodging establishment as defined in s. 509.013(4), F.S., or within an airport as defined in s. 330.27(2), F.S. The rule defines "clothing," "theme park or entertainment complex," "public lodging establishment," "airport," and "mail order sales"; describes the items that are included in the exemption; and explains how various transactions are to be handled for purposes of the exemption, including returns, refunds, exchanges, layaways, reporting requirements, documentation to be maintained, and merchant's license fees.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sara D. Faulkenberry, Tax Law Specialist, Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER99-1 Sales of Clothing During the Period July 31 through August 8, 1999.

(1) Exempt clothing sales.

(a) Beginning 12:01 a.m. July 31, 1999, and ending midnight August 8, 1999 (the exemption period), no tax is due on the sale or purchase of any article of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a selling price of \$100.00 or less. This exemption does not apply to sales of clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item selling for \$100.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$60.00 each. Both items will qualify for the exemption, even though the customer's total purchase price (\$120.00) exceeds \$100.00.

(c)1. The exemption does not apply to the first \$100.00 of price of an eligible item selling for more than \$100.00.

2. Example: A customer purchases a pair of pants costing \$110.00. Tax is due on the entire \$110.00.

(2) Definitions.

(a) "Clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. "Clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(b) "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(c)1. "Public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242, F.S. For the purpose of licenser, the term does not include condominium common elements as defined in s. 718.103, F.S.

2. The following are excluded from the definition in subparagraph 1.:

a. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;

b. Any hospital, nursing home, sanitarium, assisted living facility, or other similar place;

c. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;

d. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;

e. Any migrant labor camp or residential migrant housing permitted by the Department of Health, under ss. 381.008-381.00895, F.S.; and

f. Any establishment inspected by the Department of Health and regulated by chapter 513, F.S.

(d) "Airport" means any area of land or water, or any man-made object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(e) "Mail order sale" is a sale of tangible personal property, ordered by mail or other means of communication, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports the property or causes the property to be transported, whether or not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property.

(3) Sales of sets containing both exempt and taxable items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the full price is subject to sales tax.

(b) Example: A gift set consisting of a wallet and key chain is sold for a single price of \$35.00. Although the wallet would otherwise be exempt during the exemption period, the full price of the gift set is taxable because the key chain is taxable.

(4) Articles normally sold as a unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$120.00. The pair cannot be split in order to sell each shoe for \$60.00 to qualify for the exemption.

(c) Example: A suit is normally priced at \$125.00 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$100.00 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$100.00 or less.

(5) Buy one, get one free or for a reduced price.

(a) The total price of items advertised as "buy one, get one free," or "buy one, get one for a reduced price," cannot be averaged in order for both items to qualify for the exemption.

(b) Example: A retailer advertises pants as "buy one, get one free." The first pair of pants is priced at \$110.00; the second pair of pants is free. Tax is due on \$110.00. The store cannot sell each pair of pants for \$55.00 in order for the items to qualify for the exemption. However, the retailer may advertise and sell the items for 50% off, selling each pair of \$110.00 pants for \$55.00, making each pair eligible for the exemption.

(c) Example: A retailer advertises shoes as "buy one pair at the regular price, get a second pair for half price." The first pair of shoes is sold for \$120.00; the second pair is sold for \$60.00 (half price). Tax is due on the \$120.00 shoes, but not on the \$60.00 shoes. The store cannot sell each pair of shoes for \$90.00 in order for the items to qualify for the exemption. However, a retailer may advertise the pair for 25% off, thereby selling each pair of \$120.00 shoes for \$90.00, making each pair eligible for the exemption.

(6) Mail order sales.

(a) For purposes of this exemption, eligible items purchased by mail order, including sales transactions over the Internet, will receive the exemption if the order is accepted by the mail order company during the exemption period for immediate shipment. When the acceptance of the order by the mail order company occurs during the exemption period, the exemption will apply even if delivery is made after the exemption period.

(b) An order is accepted by the mail order company when it has taken an action to fill the order for immediate shipment. Actions to fill an order include, but are not limited to, placing an "in date" stamp on a mail order or assigning an "order number" to a telephone order.

(c) An order is for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment notwithstanding that the shipment may be delayed because of a backlog of orders or because stock is currently unavailable to, or on back order by, the company.

(7) Shipping and handling charges.

(a) Shipping and handling charges are included as part of the sales price of the eligible item, whether or not separately stated. If multiple items are shipped on a single invoice, the shipping and handling charge must be proportionately allocated to each item ordered, and separately identified on the invoice, to determine if any items qualify for the exemption.

(b) Example 1: A customer orders a jacket for \$95.00. The shipping charge to deliver the jacket to the customer is \$15.00. The selling price of the jacket is \$110.00. Tax is due on the full selling price.

(c) Example 2. A customer orders a suit for \$300.00 and a shirt for \$40.00. The transportation charge to deliver the items is \$15.00. The \$15.00 transportation charge must be proportionately and separately allocated between the items:  $\$300 / \$340 = 88\%$ , therefore, 88% of the \$15.00 shipping charge, or \$13.20, must be allocated to the suit, and separately identified on the invoice as such. The remaining 12% of the \$15.00 shipping charge, or \$1.80, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$40.00 plus \$1.80, totaling \$41.80, and therefore qualifying for the exemption.

Suit	\$300.00
Shipping for suit	13.20
Shirt	40.00
Shipping For shirt	1.80

(d) Example 3. A customer orders a suit for \$300.00 and a shirt for \$95.00. The transportation charge to deliver the items is \$50.00. The \$50.00 transportation charge must be proportionately and separately allocated between the items:  $\$300 / \$395 = 76\%$ . Therefore, 76% of the \$50.00 shipping charge, or \$38.00, must be allocated to the suit, and separately identified on the invoice as such. The remaining 24% of the \$50.00 shipping charge, or \$12.00, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$95.00 plus \$12.00, totaling \$107.00; since the selling price of the shirt exceeds \$100.00, the purchase of the shirt is taxable.

Suit	\$300.00
Shipping for suit	38.00
Shirt	95.00
Shipping For shirt	12.00

(8) Layaway sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and, at the end of the payment period, receives the merchandise. For purposes of this exemption, eligible items will qualify for the exemption if a retailer and a customer enter into a contract for a layaway sale during the exemption period, the customer makes the usual deposit in accordance with the retailer's layaway policy, and the merchandise is segregated from the retailer's inventory. Also, if final payment on a layaway order is made by, and the merchandise is given to, the customer during the exemption period, that sale of eligible items will qualify for the exemption.

(9) Rain checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued.

However, issuance of a rain check during the exemption period will not qualify eligible items for the exemption if the item is actually purchased after the exemption period.

(10) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for the same item (different size, different color, etc.), no additional tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit on the purchase of a different item, the appropriate sales tax will apply to the sale of the newly purchased item.

(c) Examples:

1. During the exemption period, a customer purchases an \$85.00 dress that qualifies for the exemption. Later, during the exemption period, the customer exchanges the \$85.00 dress for a \$125.00 dress. Tax is due on the \$125.00 dress. The \$85.00 credit from the returned item cannot be used to reduce the sales price of the \$125.00 item to \$40.00 for exemption purposes.

2. A customer purchases a \$35.00 shirt during the exemption period. After the exemption period, the customer exchanges the shirt for a \$35.00 jacket. Since the jacket was not purchased during the exemption period, tax is due on the \$35.00 price of the jacket.

(11) Refunds.

(a) A customer who pays tax to a dealer on an eligible item when no tax is due must secure a refund of the tax from the dealer and not from the Department of Revenue.

(b) For the period July 31, 1999, through September 30, 1999, when a customer returns an item that would qualify for the exemption, no refund of tax shall be given unless the customer provides a receipt or invoice showing tax was paid, or the retailer has sufficient documentation to show that tax was paid on the specific item.

(12) Coupons, Rebates, and Discounts.

(a)1. Manufacturer's coupons. Manufacturer's coupons do not reduce the sales price of an item. Therefore, a manufacturer's coupon cannot be used to reduce the selling price of an item to \$100.00 or less in order to qualify for the exemption.

2. Example: A jacket sells for \$105.00. The customer has a \$10.00 manufacturer's coupon good for the purchase of the jacket. The manufacturer's coupon does not reduce the sales price of the jacket. Tax is due on \$105.00 even though the customer only pays the retailer \$95.00 for the jacket.

(b)1. Store coupons and discounts. Store coupons and discounts reduce the sales price of an item. Therefore, a store coupon or discount can be used to reduce the sales price of an item to \$100.00 or less in order to qualify for the exemption.

2. Example: A customer buys a \$400.00 suit and a \$110.00 shirt. The retailer is offering a 10 percent discount. After applying the 10 percent discount, the final sales price of the

suit is \$360.00, and the sales price of the shirt is \$99.00. The suit is taxable (it is over \$100.00) and the shirt is exempt (it is less than \$100.00).

(c)1. Rebates. Rebates occur after the sale and do not affect the sales price of an item purchased.

2. Example: A jacket sells for \$105.00. The customer receives a \$10.00 rebate from the manufacturer. The rebate occurs after the sale, so it does not reduce the sales price of the jacket. Tax is due on \$105.00.

(13) Repairs and alterations to eligible items.

(a) Repairs to eligible items do not qualify for the exemption.

(b)1. Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered.

2. Example: A customer purchases a pair of pants for \$99.00, and pays \$5.00 to the retailer to have the pants cuffed. The \$99.00 charge for the pants is exempt; however, tax is due on the \$5.00 alterations charge.

(14) Rentals of clothing. Rentals of clothing or footwear do not qualify for the exemption.

(15) Reporting. No special reporting procedures are necessary to report exempt sales made during the exemption period. Sales should be reported as currently required by law.

(16) Record retention and documentation. No special record keeping requirements are necessary. Records should be maintained as currently required by law.

(17) License fees or other fees imposed by Panama City and Panama City Beach.

(a) The cities of Panama City and Panama City Beach impose upon retailers a Merchant's License Tax or similar gross receipts tax or fee, which may be passed on to the customer. The Merchant's License Tax is included in the sales price of each item whether or not the tax is separately stated on the invoice.

(b) Example: A jacket sells for \$99.95. The separately stated 1% gross receipts fee for this item is \$1.00. Since the gross receipts fee is part of the sales price of the item (\$100.95), the shirt will not qualify for the exemption.

(18) List of items and their taxable status during the exemption period. The following is a list of items and their taxable status during the exemption period if they are sold for \$100.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- A
- T      Accessories (generally)
- E      Barrettes and bobby pins
- E      Belt buckles
- E      Bow ties
- E      Hair bows, clips, and bands
- E      Handbags
- T      Handkerchiefs
- T      Jewelry
- E      Neckwear



T	<u>Key cases</u>	T	<u>Crib blankets</u>
E	<u>Ponytail holders</u>	D	
E	<u>Scarves</u>	E	<u>Diaper bags</u>
E	<u>Ties</u>	E	<u>Diapers, diaper inserts (adult and baby, cloth or disposable)</u>
E	<u>Wallets</u>	E	<u>Dresses</u>
T	<u>Watch bands</u>	T	<u>Duffel bags</u>
T	<u>Watches</u>	E	
E	<u>Aerobic clothing</u>	E	<u>Elbow pads</u>
E	<u>Antique clothing</u>	T	<u>Employee uniforms</u>
E	<u>Aprons/Clothing shields</u>	E	
T	<u>Athletic gloves</u>	F	
T	<u>Athletic pads</u>	E	<u>Fanny packs</u>
E	<u>Athletic supporters</u>	T	<u>Fins</u>
B		T	<u>Fishing boots (waders)</u>
E	<u>Baby clothes</u>	E	<u>Fishing vests (nonflotation)</u>
E	<u>Backpacks</u>	T	<u>Football pads</u>
E	<u>Bandanas</u>	E	<u>Formal clothing (unless rented)</u>
E	<u>Baseball cleats</u>	G	
E	<u>Bathing suits, caps and coverups</u>	T	<u>Garment bags</u>
E	<u>Belt buckles</u>	E	<u>Garters and garter belts</u>
E	<u>Belts</u>	E	<u>Girdles, bras, and corsets</u>
T	<u>Belts for weightlifting</u>	E	<u>Gloves (generally)</u>
E	<u>Bibs</u>	T	<u>Baseball</u>
E	<u>Blouses</u>	T	<u>Batting</u>
E	<u>Book bags</u>	T	<u>Bicycle</u>
E	<u>Boots (except ski boots)</u>	E	<u>Dress (unless rented)</u>
E	<u>Bowling shoes (sold)</u>	E	<u>Garden</u>
T	<u>Bowling shoes (rented)</u>	T	<u>Golf</u>
E	<u>Bow ties</u>	T	<u>Hockey</u>
E	<u>*Braces and supports worn to correct or alleviate a physical incapacity or injury</u>	E	<u>Leather</u>
E	<u>Bras</u>	T	<u>Rubber</u>
T	<u>Briefcases</u>	T	<u>Surgical</u>
C		T	<u>Tennis</u>
E	<u>Caps and hats</u>	E	<u>Work</u>
T	<u>Checkbook covers (separate from wallets)</u>	T	<u>Goggles (except *prescription)</u>
T	<u>Chest protectors</u>	E	<u>Graduation caps and gowns</u>
E	<u>*Choir and altar clothing</u>	E	<u>Gym suits and uniforms</u>
E	<u>Cleated or spiked shoes</u>	H	
E	<u>*Clerical vestments</u>	E	<u>Hair nets, bows, clips, and bands</u>
T	<u>Cloth and lace, knitting yarns, and other fabrics</u>	E	<u>Handbags and purses</u>
T	<u>Clothing repair items, such as thread, buttons, tapes, iron-on patches, zippers</u>	T	<u>Handkerchiefs</u>
E	<u>Coats and wraps</u>	T	<u>Hard hats</u>
E	<u>Coin purses</u>	E	<u>Hats</u>
T	<u>Corsages and boutonnières</u>	T	<u>Helmets (bike, baseball, football, hockey, motorcycle, sports)</u>
E	<u>Corsets and corset laces</u>	E	<u>Hosiery, including support hosiery</u>
T	<u>Cosmetic bags</u>	E	<u>Hunting vests</u>
E	<u>Costumes</u>	I-J	
E	<u>Coveralls</u>	T	<u>Ice skates</u>
		E	<u>Insoles</u>
		E	<u>Jackets</u>
		E	<u>Jeans</u>
		T	<u>Jewelry</u>
		K	

- T [Key chains](#)
- T [Knee pads](#)
- L
- E [Lab coats](#)
- E [Leg warmers](#)
- E [Leotards and tights](#)
- T [Life jackets and vests](#)
- E [Lingerie](#)
- T [Luggage](#)
- M-N
- T [Make-up bags](#)
- E [Martial arts attire](#)
- E [Neckwear and ties](#)
- O-P
- E [Overshoes and rubber shoes](#)
- T [Pads \(football, hockey, soccer, elbow, knee, shoulder\)](#)
- T [Paint or dust masks](#)
- E [Pants](#)
- E [Panty hose](#)
- T [Patterns](#)
- T [Protective masks \(athletic\)](#)
- R
- E [Raincoats, rainhats, and ponchos](#)
- E [Receiving blankets](#)
- E [\\*Religious clothing](#)
- T [Rented clothing \(including uniforms, formal wear, and costumes\)](#)
- T [Repair of wearing apparel](#)
- E [Robes](#)
- T [Roller blades](#)
- T [Roller skates](#)
- S
- E [Safety clothing](#)
- T [Safety glasses \(except \\*prescription\)](#)
- E [Safety shoes](#)
- E [Scarves](#)
- E [Scout uniforms](#)
- T [Shaving kits/bags](#)
- E [Shawls and wraps](#)
- T [Shin guards and padding](#)
- E [Shirts](#)
- E [Shoe inserts](#)
- E [Shoes \(including athletic\)](#)
- E [Shoulder pads \(for dresses, jackets, etc.\)](#)
- T [Shoulder pads \(football, hockey, sports\)](#)
- E [Shorts](#)
- T [Skates \(ice and roller\)](#)
- T [Ski boots \(snow\)](#)
- T [Ski vests \(water\)](#)
- T [Ski suits \(snow\)](#)
- T [Skin diving suits](#)
- E [Skirts](#)
- E [Sleepwear, nightgowns, pajamas](#)

- E [Slippers](#)
- E [Slips](#)
- E [Socks](#)
- T [Sports helmets](#)
- T [Sports pads \(football, hockey, soccer, knee, elbow, shoulder\)](#)
- E [Sports uniforms \(except pads, helmets\)](#)
- T [Suitcases](#)
- E [Suits, slacks, and jackets](#)
- T [Sunglasses \(except \\*prescription\)](#)
- E [Suspenders](#)
- E [Sweatbands](#)
- E [Sweaters](#)
- T [Swimming masks](#)
- E [Swim suits and trunks](#)
- T
- E [Ties \(neckties – all\)](#)
- E [Tights](#)
- E [Tuxedos, excluding cufflinks and rentals](#)
- U
- T [Umbrellas](#)
- E [Underclothes](#)
- E [Uniforms \(work, school, and athletic – excluding pads\)](#)
- V-W
- E [Vests](#)
- E [Wallets](#)
- T [Watchbands](#)
- T [Water ski vests](#)
- T [Weight lifting belts](#)
- T [Wet and dry diving suits](#)
- T [Wigs, toupees, and chignons](#)
- E [Work clothes and uniforms](#)

\* These items are always exempt as prosthetic or orthopedic appliances.

Specific Authority 212.17(6), 212.18(2), 213.06(1),(2) FS, Section 2, Chapter 99-229, L.O.F. Law Implemented 95.091, 212.02(16), 212.05, 212.0596, 212.06, 212.13, 213.35, 215.26(1), 330.27(2), 509.013(4),(9) FS., Chapter 99-229, L.O.F. History–New 7-6-99.

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: July 6, 1999

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game 67 Specifics  
SUMMARY OF THE RULE: Instant Game Number 67 Specifics, "WIN FOR LIFE," will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the

RULE NO.: 53ER99-29

Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-29 Instant Game 67 Specifics.

(1) Name of Game. Instant Game Number 67 "WIN FOR LIFE."

(2) Price. WIN FOR LIFE tickets sell for \$3.00 per ticket.

(3) WIN FOR LIFE Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning WIN FOR LIFE Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any WIN FOR LIFE Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play and prize symbols and captions in Game 1 of WIN FOR LIFE are as follows:

INSERT GRAPH

(5) The "WINNING NUMBERS" play symbols and play symbol captions in Game 2 of WIN FOR LIFE are as follows:

INSERT GRAPH

(6) The "YOUR NUMBERS" play symbols and play symbol captions in Game 2 of WIN FOR LIFE are as follows:

INSERT GRAPH

(7) The prize symbols and prize symbol captions in Game 2 of WIN FOR LIFE are as follows:

INSERT GRAPH

(8) The "BONUS SPOT" symbols and prizes in WIN FOR LIFE are as follows:

INSERT GRAPH

(9) Determination of Prize Winners. There are two Games and one BONUS SPOT on each WIN FOR LIFE ticket.

(a) The holder of a ticket having three "TICKET" symbols and captions exposed in the play area of Game 1 shall be entitled to a prize of a \$3.00 instant ticket or any combination of instant and on-line tickets that total \$3.00.

(b) The holder of a ticket having three like amounts exposed in the play area of Game 1 shall be entitled to a prize of the amount shown.

(c) The holder of a ticket having a number exposed in the "YOUR NUMBERS" play area of Game 2 that matches a number in the "WINNING NUMBER" play area and a "TICKET" shown as the prize for that number shall be entitled to a prize of a \$3.00 instant ticket or any combination of instant and on-line tickets that total \$3.00.

(d) The holder of a ticket having a number exposed in the "YOUR NUMBERS" play area of Game 2 that matches a number in the "WINNING NUMBER" play area shall be entitled to a prize of the amount shown for that number.

(e) The holder of a ticket having a "MONEYBAG" symbol exposed in the "BONUS SPOT" shall be entitled to a prize of \$10.00.

(10) Prize amounts which may appear in the prize area in Games 1 and 2 are:

\$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$8.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$60.00, \$100, \$200, \$300, \$500 and \$1,000 WK/LIFE.

(11) Number and Size of Prizes. The following prizes will be available in Instant Game Number 67:

(a) Approximately 2,331,126 prizes falling in the cash categories per 84 pools of 120,000 tickets each.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 67 are as follows:

GAME 1 – MATCH 3 OF 6

GAME 2 - KEY NUMBER MATCH

BONUS GAME GET	NUMBER IN 84	TICKETS	ODDS
MONEYBAG COMBINED	POOLS OF 120,000		
WITH PRIZE(S) OF:	WIN		
FREE TICKET	TICKET		
\$1 + \$2	\$3	1,310,400	1 in 7.69
\$3	\$3	604,800	1 in 16.67
\$2 + \$2	\$4	604,800	1 in 16.67
\$4	\$4	201,600	1 in 50.00
\$1 + \$2 + \$2	\$5	201,600	1 in 50.00
\$2 + \$3	\$5	100,800	1 in 100.00
Bonus Game Moneybag	\$10	100,800	1 in 100.00
\$1 x 8 + \$2 + Bonus Game		403,200	1 in 25.00
Moneybag	\$20	50,400	1 in 200.00
\$1 x 4 + \$4 x 4	\$20	50,400	1 in 200.00
\$1 x 2 + \$2 + \$2 + \$2 +	\$40	3,360	1 in 3,000.00
\$8 + \$8 + \$8 + \$8			
\$2 + \$2 + \$5 + \$5 + \$8	\$40	3,360	1 in 3,000.00
+ \$8 + \$10			
\$2 + \$4 x 7 + Bonus Game	\$40	2,940	1 in 3,428.57
Moneybag			
\$10 x 9 + Bonus Game	\$100	1,008	1 in 10,000.00
Moneybag			
\$10 + \$15 x 2 + \$30 x 2	\$100	1,008	1 in 10,000.00
\$40 x 2 + \$20	\$100	1,008	1 in 10,000.00
\$40 + \$50 x 4 + \$60 +	\$500	10	1 in 1,008,000.00
\$100 x 2			
\$500	\$500	10	1 in 1,008,000.00
\$100 x 3 + \$200	\$500	10	1 in 1,008,000.00
\$100 x 2 + \$300	\$500	10	1 in 1,008,000.00
\$1,000 WK/LIFE	\$1,000 WK/LIFE	2	1 in 5,040,000.00

(12) The over-all odds of winning any prize in Instant Game Number 67 are 1 in 2.77.

(13) The winner of a WIN FOR LIFE grand prize may choose one of two payment options for receiving his or her prize. Payment options are "Cash Option" and "Annual Payment." At the time a grand prize is claimed, the terminal will produce two claim tickets. The winner has sixty days from the date the claim tickets are produced, or until the redemption deadline, whichever date occurs first, to choose between the payment options. Otherwise, the Annual Payment option will be applied. Once the WIN FOR LIFE grand prize winner signs the Winner Claim Form and Addendum, and exercises the winner's chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 07/93, and Addendum A, Effective 03/05/99, are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, Capitol Complex, Tallahassee, Florida 32399-4027.

(14) Cash Option prizes will be paid in a single cash payment equal to the amount of cash required to purchase U.S. Government Securities that would fund a \$1,040,000 prize payable over a twenty year period. This amount will be determined after the prize is claimed, by obtaining quotes from at least three investment sources. The quote costing the least to fund a twenty year annual payment stream, had the annual payment option been selected, will be the amount of the Cash Option prize.

(15) Annual Payment prizes claimed by an individual will be paid in annual installments of \$52,000 for the life of the winner, with a minimum of twenty annual payments. Annual Payment prizes claimed by a trust, corporation, or other legal entity shall consist of twenty annual payments of \$52,000 each.

(16) Federal income taxes will be applied and withheld from the prize amount at the time(s) payment is made pursuant to applicable Internal Revenue Code and Regulations.

(17) Any interest or earnings accruing on a WIN FOR LIFE grand prize prior to the prize payment or purchase of securities, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

Specific Authority 24.105(10)(a),(b),(c),(e), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c),(e) FS. History—New 6-28-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 28, 1999

DEPARTMENT OF THE LOTTERY

RULE TITLE: WIN FOR LIFE Retailer Incentive  
 RULE NO.: 53ER99-30  
 SUMMARY OF THE RULE: The rule describes the Florida Lottery Retailer sales incentive program associated with the sale of WIN FOR LIFE instant tickets.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-30 WIN FOR LIFE Retailer Incentive.

(1) Beginning Friday, July 2, 1999, until the close of sales on Sunday, September 12, 1999, all Florida Lottery Retailers will have the opportunity to win \$1000 per week in bonus commissions by settling books of WIN FOR LIFE Instant tickets. (Game #67).

(2) For the WIN FOR LIFE bonus commission incentive period, each Florida Lottery sales district will be assigned to a category based on the total number of Retailers per district.

(a) For the purpose of the promotion, Florida Lottery sales districts will be categorized as follows:

Category	Number of Retailers Per District	Total Winners Per Category	Winners Per Week Per District	Districts in Each Category
A	More than 1500	150	5	Miami Tampa Orlando
B	901 - 1499	120	3	Ft. Lauderdale St. Petersburg West Palm Beach Jacksonville
C	0 - 900	80	2	Tallahassee Fort Myers Pensacola Gainesville

(b) Each retailer's total settlements of WIN FOR LIFE Instant tickets (Game #67) will be calculated at the close of business each Sunday and one entry per full book settlement will be entered into a random drawing among all entries in the retailer's sales district. The first draw date will be on Monday,

July 12, 1999, with subsequent draw dates to follow each Monday through September 13, 1999. Retailers meeting entry requirements are eligible to win only once per week although they may be entered and drawn multiple times during the promotion. This promotion is designed to recognize thirty-five winners each week for a total of three-hundred-fifty (350) winners.

(c) WIN FOR LIFE game books settled during the promotion are not eligible to be returned with the exception of books returned due to a termination or change of ownership, which will be reviewed on a case-by-case bases.

(d) In the event a selected Retailer does not meet the requirements of paragraph 3 below, the next eligible Retailer drawn will be substituted for the ineligible Retailer until all bonus commission for the week are awarded.

(e) Bonus commissions will be paid via check and reported to the Internal Revenue Service as compensation. The Florida Lottery reserves the right to apply bonus commission earned against outstanding debt for Retailers meeting all eligibility requirements.

(3) Retailers must be in good financial standing with the Florida Lottery at the time bonus commissions are awarded. Good financial standing is defined as having no unpaid dishonored electronic funds transfers or associated penalties, or any other accounts receivable outstanding for more than sixty (60) days. Retailers whose Florida Lottery contracts are terminated or inactivated subsequent to the drawing in which they were selected and prior to award of the bonus commission, shall receive the bonus commission won, provided said termination or inactivation was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or Retailer Contract terms.

Specific Authority 24.105(10(a),(c), 24.109(1) FS. Law Implemented 24.105(10(a),(c), 24.112(1) FS. History—New 6-28-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 28, 1999

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game 71 Specifics  
RULE NO.: 53ER99-32

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 71, "HOT PEPPERS" for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-32 Instant Game 71 Specifics.

(1) Name of Game. Instant Game Number 71. "HOT PEPPERS."

(2) Price. HOT PEPPERS tickets sell for \$1.00 per ticket.

(3) HOT PEPPERS Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning HOT PEPPERS Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any HOT PEPPERS Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions in HOT PEPPERS are as follows:

INSERT GRAPHS HERE

(5) The "HOT PEPPER NUMBERS" play symbols and play symbol captions in HOT PEPPERS are as follows:

INSERT GRAPHS HERE

(6) The prize symbols and prize symbol captions in HOT PEPPERS are as follows:

INSERT GRAPHS HERE

(7) Determination of Prize Winners.

(a) The holder of a ticket having any symbol exposed in the "YOUR NUMBERS" play area that matches either symbol in the "HOT PEPPER NUMBERS" play area and a TICKET shown as the prize shall be entitled to a prize of a \$1.00 ticket.

(b) The holder of a ticket having any symbol exposed in the "YOUR NUMBERS" play area that matches either symbol in the "HOT PEPPER NUMBERS" play area shall be entitled to a prize of the amount shown for that number.

(8) Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100, and \$500.

(9) Number and Size of Prizes. The following prizes will be available in Instant Game Number 71 HOT PEPPERS:

(a) Approximately 1,417,164 prizes falling in the cash categories of 42 pools of 240,000 tickets per pool.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 71 are as follows:

MATCH ANY OF YOUR NUMBERS TO EITHER HOT PEPPER NUMBER

<u>WITH PRIZES OF</u>	<u>WIN</u>	<u>NUMBER IN</u>	<u>ODDS</u>
<u>42 POOLS</u>			
<u>TICKET</u>	<u>TICKET</u>	<u>1,209,600</u>	<u>1 in 8.33</u>
<u>\$1</u>	<u>\$1</u>	<u>537,600</u>	<u>1 in 18.75</u>
<u>\$2</u>	<u>\$2</u>	<u>302,400</u>	<u>1 in 33.33</u>
<u>\$1 + \$1</u>	<u>\$2</u>	<u>235,200</u>	<u>1 in 42.86</u>
<u>\$1 x 5</u>	<u>\$5</u>	<u>168,000</u>	<u>1 in 60.00</u>
<u>\$1 + \$4</u>	<u>\$5</u>	<u>67,200</u>	<u>1 in 150.00</u>
<u>\$2 x 5</u>	<u>\$10</u>	<u>33,600</u>	<u>1 in 300.00</u>
<u>\$1 + \$4 + \$5</u>	<u>\$10</u>	<u>33,600</u>	<u>1 in 300.00</u>
<u>\$4 x 5</u>	<u>\$20</u>	<u>33,600</u>	<u>1 in 300.00</u>
<u>\$10 x 5</u>	<u>\$50</u>	<u>2,520</u>	<u>1 in 4,000.00</u>
<u>\$50 + \$50</u>	<u>\$100</u>	<u>1,680</u>	<u>1 in 6,000.00</u>
<u>\$20 x 5</u>	<u>\$100</u>	<u>1,680</u>	<u>1 in 6,000.00</u>
<u>\$100 x 5</u>	<u>\$500</u>	<u>42</u>	<u>1 in 240,000.00</u>
<u>\$500</u>	<u>\$500</u>	<u>42</u>	<u>1 in 240,000.00</u>

(10) The over-all odds of winning any prize in Instant Game Number 71 are 1 in 3.84.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History—New 6-28-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 28, 1999

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Holidays and Other Authorized Activities RULE NO.: 53ER99-35

SUMMARY OF THE RULE: The rule describes the circumstances and method by which hours of holiday compensatory leave and holiday pay earned by employees are calculated.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-35 Holidays and Other Authorized Activities.

(1) The Lottery shall observe the paid holidays provided in Section 110.117, Florida Statutes.

(2) Each employee filling an established position shall be entitled to one personal holiday each fiscal year. Such personal holiday shall be credited to eligible employees on July 1, or on the date of employment, and shall be forfeited if not used by the close of business on June 30 of each fiscal year. No employee shall receive payment for an unused personal holiday.

(3) All full-time employees shall be granted eight (8) hours of leave with pay for each holiday regardless of the days or hours which constitute an employee's workweek. Part-time employees shall be granted a prorated number of hours for each holiday based on the number of hours regularly worked during the workweek, using the following formula:

$$\text{(Number of Hrs. Worked per Week} \times 8) = \text{Hrs. Credit for Holiday 40}$$

(4) Each employee filling an authorized established position shall be given all holidays designated in Section 110.117, F.S., if the workload of the Lottery is such that the employee's work can be discontinued.

(a) If the holiday is observed on the employee's regular day off, and the employee is not required to work, the employee will be granted up to eight (8) hours of holiday compensatory leave credits.

(b) If the actual holiday falls on a weekend and is observed on another day as set forth in Section 110.117(1)(j), Florida Statutes, an employee who works on the observed holiday shall be compensated at the rate of 1 1/2 times the employee's hourly base rate of pay for all hours worked on the observed holiday and shall receive up to 8 hours holiday compensatory leave credits.

(c) If an employee is required to work only on the actual holiday, but not on the observed holiday, the employee will be compensated at the rate of 1 1/2 times the employee's hourly base rate of pay for all hours worked on the actual holiday and shall receive up to 8 hours regular compensatory leave credits.

(d) If an employee is required to work both the observed and the actual holidays, the employee will be compensated at the rate of 2 1/2 times the employee's hourly base rate of pay for all hours worked on the actual holiday, and shall be compensated at the rate of 1 1/2 times the employee's hourly base rate of pay for all hours worked on the observed holiday and shall receive up to 8 hours holiday compensatory leave credits for hours worked on the observed holiday.

(e) For Memorial Day calculation purposes, the last Monday in May is both the actual and observed holiday.

(f) If an employee is called back to work on a holiday, the employee shall be compensated in accordance with this subsection, and the two-hour minimum set forth in 53-16.003(1)(f), F.A.C. shall not apply.

(g) Holiday compensatory leave credits earned by working on an observed holiday shall be granted as a delayed holiday and shall be compensated in accordance with this subsection. Holiday compensatory leave accrued after June 30, 1992 must be used during the employee's next scheduled leave, which would otherwise be charged to annual or regular compensatory leave.

(5) Employees who are on approved leave with pay when holidays allowed in this section are observed shall not have such days charged against their accrued leave credits.

(6) Employees who are on approved leave without pay for the entire day before a holiday shall not be eligible to receive payment for such holiday.

(7) An employee who separates from employment with the Lottery or joins Lottery Executive Management shall be paid for all unused holiday compensatory leave at the employee's base rate of pay at the time of separation or promotion.

(8) This emergency rule shall supersede section 53-16.005 F.A.C.

Specific Authority 24.109(1), 24.105(10)(j), 24.105(2)(a) FS. Law Implemented 24.105(20)(d) FS. History--New 6-28-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: June 28, 1999

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

### DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Jeffery W. Carroll on June 28, 1999, a petition for Variance or Waiver of Rule 11B-27.002(2), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that a person who graduates from a Florida Basic certification program and fails to obtain employment within four (4) years must complete the training program in section 11B-35.002, F.A.C., and pass the basic recruit examination.

PURPOSE: Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Rick Courtemanche.

A copy of the Petition may be obtained by contacting Assistant General Counsel Rick Courtemanche at the above address, or by calling (850)410-7676.

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### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received an Emergency Petition from BellSouth Telecommunications, Inc., in Docket No. 990777-TL, filed May 7, 1999, seeking temporary waiver from Rule 25-4.110(10), Florida Administrative Code. The rule requires all bills produced to clearly and conspicuously display certain information for each service billed in regard to each company claiming to be the customer's service provider. Comments on the petition should be filed with the

Commission's Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice. For additional information please write Diana W. Caldwell, Division of Legal Services, at the above address or telephone (850)413-6175.

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### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida Building Code Administrators and Inspectors Board announces a Petition for Waiver of Rule 61G19-6.012, FAC, Provisional Certificates, to which all interested persons are invited.

DATE AND TIME: July 15, 1999, 9:00 a.m.

PLACE: Jacksonville Hilton and Towers, 1201 Riverplace Blvd., Jacksonville, FL 32207

PURPOSE: Official Board and Committee meetings.

If any person decides to appeal any decision made by the Building Code Administrators and Inspectors Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant at the Building Code Administrators and Inspectors Board at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Stacey Merchant 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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### DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on June 11, 1999, a petition from Car Spa, Inc., seeking a variance from the 500-foot radial setback requirement of a wellhead protection area under rule 62-521.400(1)(l) of the Florida Administrative Code, to place underground storage tanks, which would be part of the petitioner's Car Wash, Lube & Detailing Center, 473 feet from a public drinking water supply well which provides water to the City of Clearwater's reverse osmosis water treatment plant in Pinellas County. The petition has been assigned OGC Case Number 99-0962.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn.: Cynthia Christen.

Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on June 8, 1999, a petition from Harding Lawson Associates, seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-522.300(2)(a), Florida Administrative Code, for the use of a remediation product to clean up sites with contaminated ground water. The petition has been assigned OGC case number 99-0943.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn.: Cynthia Christen.

Comments must be received no later than 14 days from the date of publication of this notice.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

On June 24, 1999, The Florida Department of Corrections filed a petition for waiver or variance of rule 65E-5.350, Florida Administrative Code, Eligibility Criteria and Procedures for designation of Baker Act Receiving Facilities. A copy of the Petition may be obtained by contacting: Agency Clerk, 1317 Winewood Blvd., Bldg. 2, Rm. 204-X, Tallahassee, FL 32399-0700.

**Section VI**

**Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF STATE**

The **Department of State, Division of Cultural Affairs** announces the following public meetings, to which all persons are invited:

DATE AND TIME: Tuesday, July 20, 1999, 9:00 a.m.

PLACE: Taylor County Health Department, 1215 N. Peacock Avenue, Perry, FL 32347, (850)584-5087

PURPOSE: To hold a Slide Review meeting to select artwork for Art in State Buildings Project No. DOH 9730/9450, Taylor County Health Department, Perry, Taylor County, Florida

COMMITTEE: Art Selection Committee

DATE AND TIME: Tuesday, August 3, 1999, 9:00 a.m.

PLACE: Pasco County Health Department, 10841 Little Road, New Port Richey, FL 34654-2533, (813)869-3900, Ext. 101

PURPOSE: To hold a Slide Review meeting to select artwork for Art in State Buildings Project No. DOH 9730/9300, Pasco County Health Department, Land O'Lakes, Florida

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, August 4, 1999, 9:00 a.m.

PLACE: Sumter County Courthouse, 209 N. Florida Street, Bushnell, FL 33513, (352)793-0200

PURPOSE: To hold a Slide Review meeting to select artwork for Art in State Buildings Projects No. DOH 9730/9250, Sumter County Health Department, Bushnell, Florida and Project No. DOH 9730/9350, Sumter County Health Department, Wildwood, Florida

COMMITTEE: Art Selection Committee

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Kirby Mole, (850)487-2980, Ext 133. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Forestry Arson Alert Association Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, July 28, 1999, 1:30 p.m.

PLACE: Doyle Conner Building, 3125 Conner Building, Tallahassee, Florida 32399

PURPOSE: To consider the following agenda items: 1) Arson rewards; 2) Budget; 3) Prevention Items; 4) New Business.

A copy of the agenda may be obtained by writing: Mr. L. Earl Peterson, Division of Forestry, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, Telephone (850)488-6111.

The **Department of Agriculture and Consumer Services** announces a meeting of the Animal Industry Technical Council.

DATE AND TIME: August 5, 1999, 10:00 a.m. – 3:00 p.m.

PLACE: Florida Farm Bureau Federation, 5th Floor, Executive Boardroom, 5700 Southwest 34th Street, Gainesville, Florida, (352)374-1542

PURPOSE: To discuss animal health issues of concern, to the agricultural industry, both intrastate and interstate and to provide a forum for the Department to keep agricultural industry groups abreast of state and national activities as they relate to animal health issues in Florida, and activities of other states and USDA, affecting Florida's agriculture animal industries.



A copy of the agenda can be obtained by contacting: Dr. Leroy Coffman, Florida Department of Agriculture and Consumer Services, Room 335 Mayo Building, Tallahassee, FL 32399-0800, (850)488-7747.

If special accommodations are needed to attend this meeting because of a disability, please contact the above mentioned as soon as possible.

**DEPARTMENT OF EDUCATION**

The **State Board of Nonpublic Career Education** announces a public meeting to which all persons are invited.

DATE AND TIME: July 22, 1999, 9:00 a.m.

PLACE: Wyndham Resort and Spa, 250 Racquet Club Road, Ft. Lauderdale, Florida 33334

PURPOSE: Consider licenses for appropriate schools, cases for licensure as specified in the agenda, and other general Board business.

Any person who decides to appeal a decision of the Board with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: State Board of Nonpublic Career Education, Department of Education, 325 W. Gaines Street, Tallahassee, Florida 32399-0400.

The Florida **Institute of Phosphate Research** announces a meeting of the Board of Directors to which all persons are invited.

DATE AND TIME: Friday, July 23, 1999, 9:30 a.m. – 4:30 p.m.

PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Drive, Bartow, FL 33830

PURPOSE: Board of Directors meeting to consider funding of research proposals and other business pertaining to the operation of the Institute.

A copy of the minutes may be obtained by writing: Paul R. Clifford, Executive Director, Florida Institute of Phosphate Research, 1855 West Main Street, Bartow, Florida 33830.

**DEPARTMENT OF TRANSPORTATION**

The Florida **Department of Transportation** announces one public teleconference of the Florida Freight Stakeholders Task Force Executive Committee and one public meeting of the Florida Freight Stakeholders Task Force Highway Subcommittee to which all interested persons are invited.

DATE AND TIME: July 15, 1999, 9:00 a.m. – 11:00 a.m.

PLACE: Teleconference Only, Executive Committee, Telephone (850)633-5802, I.D. #2000, Florida Department of Transportation, Hayden Burns Building, 605 Suwannee Street, Room 580, Tallahassee, Florida 32399

DATE AND TIME: July 19, 1999, 3:00 p.m. – 6:00 p.m.

PLACE: Meeting; Highway Subcommittee. Florida Department of Transportation, Executive Conference Room, 5th Floor, Hayden Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399

PURPOSE ALL MEETINGS: General Business, Teleconference and Subcommittee Meeting.

A copy of the agenda for each meeting may be obtained one week in advance by writing: Robert G. Hebert, Jr., Administrator-Ports/Intermodal, Florida Department of Transportation Rail Office, M.S. #25, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in the meeting should advise Robert G. Hebert, Jr., (850)414-4546.

The Florida **Department of Transportation** announces public meetings to which all persons are invited:

PURPOSE: Regular Meeting of the Executive Committee

DATE AND TIME: July 22, 1999, 8:30 a.m.

PLACE: Fifth Floor, Executive Conference Room, 605 Suwannee Street, Burns Building, Tallahassee, Florida

DATE AND TIME: August 19, 1999, 8:30 a.m.

PLACE: Fifth Floor, Executive Conference Room, 605 Suwannee Street, Burns Building, Tallahassee, Florida

DATE AND TIME: September 16, 1999, 8:30 a.m.

PLACE: Fifth Floor, Executive Conference Room, 605 Suwannee Street, Burns Building, Tallahassee, Florida

DATE AND TIME: October 21, 1999, 8:30 a.m.

PLACE: Fifth Floor, Executive Conference Room, 605 Suwannee Street, Burns Building, Tallahassee, Florida

DATE AND TIME: November 18, 1999, 8:30 a.m.

PLACE: Fifth Floor, Executive Conference Room, 605 Suwannee Street, Burns Building, Tallahassee, Florida

DATE AND TIME: December 16, 1999, 8:30 a.m.

PLACE: Fifth Floor, Executive Conference Room, 605 Suwannee Street, Burns Building, Tallahassee, Florida

A copy of the agenda may be obtained by writing: Florida Department of Transportation, 605 Suwannee Street, Mail Station 57, Tallahassee, Florida 32399-0450.

**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of public meeting of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATE AND TIME: Wednesday, July 28, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

**PURPOSE:** This is a regular business meeting of the meteorology committee of the Commission to discuss the Commission's standards and acceptability process for 1999 and to discuss the general business of the Commission.

Anyone wishing to be placed on the Commission's mailing list to receive copies of notices and agendas by mail or wishing a copy of the agenda for the meeting noticed above, should contact: Anne Bert, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend any of these meetings is requested to call: Anne Bert, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

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### DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

**DATE AND TIMES:** July 21, 1999, 9:00 a.m., Committee Meetings; 10:30 a.m., Regular Monthly Meeting

**PLACE:** Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular monthly meeting.

A copy of the agenda may be obtained by contacting: Florida Department of Citrus, Attention: Executive Office, P. O. Box 148, Lakeland, Florida 33802.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (941)499-2510.

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### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

**DATE AND TIME:** Monday, July 26, 1999, 9:30 a.m.

**PLACE:** Room 140, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

The Commission will take public comment regarding any undocketed matters of concern to the public at 9:30 a.m. Please note that the "open microphone" portion of the Internal Affairs Meeting is subject to cancellation without notification.

**PURPOSE:** To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770 at least 48 hours prior to the conference.

Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers: 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

In the event of a scheduling conflict, this meeting may be moved to Tuesday, July 27, 1999, immediately following the Commission Conference, in Room 140.

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The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 980946-TL – Petition for temporary waiver of physical collocation requirements set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Daytona Beach Port Orange Central Office, by BellSouth Telecommunications, Inc.

Docket No. 980947-TL – Petition for waiver of physical collocation requirements set forth in the Telecommunications Act of 1996 and the FCC's First Report and Order, for the Boca Raton Boca Teeca Central Office, by BellSouth Telecommunications, Inc.

Docket No. 980498-TL – Petition for waiver of physical collocation requirements set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Miami Palmetto Central Office, by BellSouth Telecommunications, Inc.

Docket No. 981011-TL – Petition for waiver of physical collocation requirements set forth in the Telecommunications Act of 1996 and the FCC's First Report and Order, for the West Palm Beach Gardens Central Office, by BellSouth Telecommunications, Inc.

Docket No. 981012-TL – Petition for waiver of physical collocation requirements set forth in the Telecommunications Act of 1996 and the FCC's First Report and Order, for the North Dade Golden Glades Central Office, by BellSouth Telecommunications, Inc.

Docket No. 981250-TL – Petition for temporary waiver of physical collocation requirements set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Lake Mary Main Central Office, by BellSouth Telecommunications, Inc.

**DATE AND TIME:** July 26, 1999, 1:30 p.m.

**PLACE:** Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**PURPOSE:** To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the

identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the: Division of Records and Reporting, (850)413-6770 at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 971004-EG – Adoption of Numeric Conservation Goals by Florida Power & Light Company

Docket No.: 971005-EG – Adoption of Numeric Conservation Goals by Florida Power Company

Docket No.: 971006-EG – Adoption of Numeric Conservation Goals by Gulf Power Company

Docket No.: 971007-EG – Adoption of Numeric Conservation Goals by Tampa Electric Company

DATE AND TIME: July 26, 1999, 1:30 p.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action. Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least five calendar days prior to the prehearing. Any person who is hearing or speech impaired should contact the commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: July 27, 1999, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting the Division of Records and Reporting, (850)413-6770 or writing: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.scri.net/psc>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770 at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

NOTICE OF CHANGE – The Florida **Public Service Commission** announces the rescheduling of a prehearing noticed in Docket No. 961309-TI – Application for certificate to provide interexchange telecommunications service by Vendormatic, Inc. d/b/a HSS Vending Distributors, and initiation of show cause proceedings for violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required.

DATE AND TIME: July 30, 1999, 9:30 a.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990108-TP – Request for arbitration concerning complaint of The Other Phone Company, Inc. d/b/a Access One Communications against BellSouth Telecommunications, Inc. regarding breach of resale agreement.

DATE AND TIME: July 30, 1999, 11:00 a.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770 at least 48 hours prior to the prehearing.

Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

**REGIONAL PLANNING COUNCILS**

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: July 22, 1999, 6:00 p.m.

PURPOSE: To conduct the regular business of the Executive Committee

MEETING: Clearinghouse Committee

DATE AND TIME: July 22, 1999, 6:30 p.m.

PURPOSE: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: July 22, 1999, 8:00 p.m.

PURPOSE: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, Lake City, Florida

Any person deciding to appeal any decision of the Council or its committees with respect to any matter considered at the meeting, may need to ensure that a verbatim record of the proceedings is made.

A copy of any of these agendas may be obtained by writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Tampa Bay Regional Planning Council**, Area Agency on Aging for Planning and Service Area 5 of the Florida **Department of Elder Affairs**, will present its 2000 Area Plan Update for the distribution of funds under the Federal Older Americans Act of 1965, as amended, to projects providing services to the elderly residents of Pasco and Pinellas Counties at the following public hearings:

Pinellas County Public Hearing

DATE AND TIME: Tuesday, August 3, 1999, 9:30 a.m. – 11:00 a.m.

PLACE: Dunedin Senior Center, 330 Douglass Ave., Dunedin, Florida

GUEST SPEAKER: Representative Gus Michael Billiards

Pasco County Public Hearing

DATE AND TIME: Wednesday, August 4, 1999, 9:30 a.m. – 11:00 a.m.

PLACE: Claude Pepper Senior Center, 6640 Van Buren Street, New Port Richey, Florida

GUEST SPEAKER: Representative Heather Fiorentino

To request more information or accommodations for persons with disabilities contact: Sharon Thompson-Ayers, TBRPC/Area Agency on Aging, 9455 Koger Boulevard, St. Petersburg, Florida, or call (727)577-5151, TDD (727)576-1533, no later than July 26, 1999.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **Central Florida Regional Transportation Authority (LYNX)** announces the following public meeting of the Governing Board of the Authority to which all persons are invited.

DATE AND TIME: July 22, 1999, 2:30 p.m.

PLACE: Educational Leadership Center, Board Room, 1st Floor, 445 W. Amelia Street, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order;
2. Presentations, if any;
3. Approval of Minutes;
4. Consent Items;
5. Action Items;
6. Chairman's Report;
7. Executive Director's Report;
8. Other Business.

A copy of the detailed agenda may be obtained by contacting: Sandy Bazinet, Assistant Secretary, Central Florida Regional Transportation Authority, 445 W. Amelia Street, Suite 800, Orlando, Florida 32801, (407)841-2279.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact: Ron Jones, (407)841-2279 at least 48 hours before the meeting. If hearing impaired, contact the Authority at (407)423-0787 (TDD).

**METROPOLITAN PLANNING ORGANIZATIONS**

METROPLAN ORLANDO, The Metropolitan Planning Organization for the **Orlando Urban Area**, announces the following public meeting of its Governing Board to which all persons are invited:

DATE AND TIME: Wednesday, July 14, 1999, 9:30 a.m.

PLACE: Metroplan Orlando, Board Room, 315 East Robinson Street, Suite 355, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting.  
AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED: 1. Call to Order; 2. Agenda Review; 3. Approval of Minutes; 4. Consent Items; 5. Action Items; 6. Presentations, if any; 7. Other Business; 8. Chairman's Report; 9. Executive Director's Report; 10. Legislative Report.

A copy of the detailed agenda may be obtained by contacting: Virginia Lewis-Whittington, Executive Assistant, METROPLAN ORLANDO, 315 East Robinson Street, Suite 355, Orlando, FL 32801, (407)481-5672, Extension 314.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact: METROPLAN ORLANDO, (407)481-5672 at least 48 hours before the meeting.

**WATER MANAGEMENT DISTRICTS**

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: July 22, 1999, 9:00 a.m., EDT

PURPOSE: Governing Board Budget Workshop to discuss FY 1999/2000 District Budget

DATE AND TIME: July 22, 1999, 1:00 p.m., EDT

PURPOSE: Governing Board Meeting – to consider District business and conduct Public Hearings on Regulatory Matters and Land Acquisition Matters

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90.

A copy of the agendas may be obtained by contacting: Elaine McKinnon, NWFWM, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999, also available through the Internet at: [www.state.fl.us/nwfwmd](http://www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District** announces the following public meeting to which all persons are invited.

**PINELLAS-ANCLOTE RIVER BASIN BOARD BUDGET WORKSHOP**

DATE AND TIME: Monday, July 19, 1999, 9:00 a.m.

PLACE: Pinellas County Courthouse, 4th Floor, Conference Room, 315 Court Street, Clearwater, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Discussion of FY 2000 Tentative Budget

**NEW BASIN BOARD MEMBER ORIENTATION**

DATE AND TIME: Tuesday, July 20, 1999, 9:00 a.m.

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Orientation of new Basin Board members

**MANASOTA BASIN BOARD MEETING**

DATE AND TIME: Wednesday, July 21, 1999, 1:00 p.m.

PLACE: Palmetto City Hall, 516 – 8th Avenue, West, Palmetto, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Basin business

**NEW BASIN BOARD MEMBER ORIENTATION**

DATE AND TIME: Thursday, July 22, 1999, 9:00 a.m.

PLACE: District Headquarters, Conference Rooms A and B, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Orientation of new Basin Board members

**PEACE RIVER BASIN BOARD MEETING**

DATE AND TIME: Monday, July 26, 1999, 10:00 a.m.

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Basin business

**GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS**

DATE AND TIME: Tuesday, July 27, 1999, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Conduct of Meeting, Public Hearing and Committee Meetings

**GOVERNING BOARD MEETING AND PUBLIC HEARING** (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, July 28, 1999, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Conduct of Meeting and Public Hearing

A copy of the agenda for the above meetings may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899.

If a party decides to appeal any decision made with respect to any matter considered at a meeting, that party will need a record of the proceedings, and for such purposes that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida), or (352)796-7211, Extension 4604; Fax: (904)754-6874; TDD ONLY 1(800)231-6103 (Florida).

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The **Southwest Florida Water Management District** announces the following Minimum Flows and Levels Independent Scientific Peer Review Panel Public Meeting to which the public is invited.

**DATES AND TIMES:** Tuesday, July 20, 1999; Wednesday, July 21, 1999, 9:00 a.m. Public comment will be accepted by the panel on July 20, 1999, 9:00 – 10:00

**PLACE:** Days Inn-Rocky Point Island, 7627 Courtney Campbell Causeway, Tampa, FL 33607

**PURPOSE:** A public meeting of the Peer Review Panel pursuant to Section 373.042(4), F.S. (1996 Supp.) at which Panel members may discuss their work with one another and provide an opportunity for public comment, at the time shown above, on the matters under review by the Panel.

An agenda for the meeting is available by contacting: Pamela A. Gifford, (352)796-7211, Ext. 4156.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this activity is asked to advise the agency at least 48 hours before the activity by contacting Dianne Lee at (352)796-7211 or 1(800)423-1476, Extension 4658; TDD only number 1(800)231-6103; Fax number (352)754-6878, Suncom 663-6878.

P. O. # 7014

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The **South Florida Water Management District** announces regular and special workshops/meetings which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic or video conference and to which all interested persons are invited:

**DATES AND TIME:** July 23, 1999, July 26, 1999, July 27-30, 1999, 8:00 a.m. – 7:00 p.m.

**PURPOSE:** Governing Board workshop/meeting to discuss and consider District Business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference and/or video conference in order to permit maximum participation of Governing Board Members. In the event of emergency conditions due to an

imminent Tropical Storm or Hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the meeting agenda(s), including Regulatory items.

**PLACE:** District Headquarters, B-1 Building Auditorium, West Palm Beach, FL

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board Members.

A copy of the agendas may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680. Agenda's are also located at the District internet site, [www.sfwmnd.gov](http://www.sfwmnd.gov).

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact: Tony Burns, District Clerk, (561)687-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact Tony Burns, District Clerk, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416, (561)687-6206.

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#### **COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a Finance, Audit and Program Performance Meeting to which all persons are invited.

**DATE AND TIME:** Friday, July 23, 1999, 10:00 a.m. – completion

**PLACE:** 2740 Centerview Drive, Rhyne Building, Room 308, Tallahassee, Florida, (850)488-6036.

**PURPOSE:** To discuss an emergency fund request, the Five and Twenty Year Plan, CTC compliance with Commission standards and other business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon the chairperson's request.

**SPACEPORT FLORIDA AUTHORITY**

The **Spaceport Florida Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: July 14, 1999, 10:00 a.m. – 12:00 p.m.

PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003

PURPOSE: The Board will continue discussion on the status of ongoing projects, including the Service Operations Center at Cape Canaveral Air Station (CCAS), Launch Complex 20 development, status of the Reusable Launch Vehicle (RLV) Facility at Kennedy Space Center; development, planning and administrative issues; financing of a proposed Boeing facility at Cape Canaveral Air Station, Florida, and to consider other proposed financing of matters related to the business of the Authority.

For more information, contact: Mr. Jim Leary, (407)730-5301, Ext. 1121. To obtain a copy of the agenda, write: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

**DEPARTMENT OF ELDER AFFAIRS**

The **Department of Elder Affairs** announces a public meeting to which all persons are invited. No public testimony will be taken.

DATE AND TIME: Wednesday, July 21, 1999, 10:00 a.m. – 3:00 p.m. EST

PLACE: The Duval Room, Tampa Airport Marriott, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of the State’s Social Health Maintenance Organization (SHMO) Initiative.

A copy of the agenda may be obtained by contacting: Richard Page, (850)414-2000.

The **Department of Elder Affairs** announces a public meeting to which all persons are invited: SHINE (Serving Health Insurance Needs of Elders) Workshop with the Area Agencies on Aging.

DATE AND TIME: Wednesday, July 28, 1999, 9:00 a.m.

PLACE: Embassy Suites Hotel, Orlando Airport, 5835 T. G. Lee Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Contracts, Orientation, and Screening of the SHINE (Serving Health Insurance Needs of Elders) Program Volunteers

A copy of the agenda may be obtained by contacting: Shelia Kilpatrick (850)414-2060

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** would like to announce a conference call to which all interested parties are invited:

DATE AND TIME: July 16, 1999, 8:00 a.m.

PLACE: (850)488-5778 or Suncom 278-0979

PURPOSE: Review the comments submitted by interested members of the public and to discuss assignments for the team to compile literature on each issue of bone marrow transplant.

For members of the Bone Marrow Transplant Advisory Group s. 627.4236, Florida Statutes.

Please contact Taaffe Anderson (850)922-5568 by email at andersot@fdhc.state.fl.us for further information.

The Probable Cause Panel (North), **Board of Medicine**, announces a meeting to which all interested parties are invited:

DATE AND TIME: July 23, 1999, 10:00 a.m.

PLACE: Tallahassee Regional Airport, McDonnell Conference Room, Tallahassee, FL, (850)891-7570

PURPOSE: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, Post Office Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at Post Office Box 14229, Tallahassee, Florida 32317-4229, Telephone (850)922-2414; 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

**DEPARTMENT OF MANAGEMENT SERVICES**

The State of Florida, **Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: July 19-20, 1999, 8:30 a.m.

PLACE: Ft. Lauderdale Airport Hilton, 1870 Griffin Road, Dania, Florida

**PURPOSE:** To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, 2424 Allen Road, Suite 230, Tallahassee, Florida 32312, or by telephoning (850)487-2410.

A party who decided to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

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The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

**DATE AND TIME:** Wednesday, July 14, 1999, 6:00 p.m.

**PLACE:** The access point where a person may go for purpose of attending the meeting is the Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303. The meet-me telephone number is (850)488-2854 or Suncom 278-2854

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting will be discuss general and administrative issues of the Commission.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, Telephone (850)488-7082, Extension 1036.

**VERBATIM RECORD OF MEETING:** If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation because of a disability or physical impairment should contact: The Clerk of the Commission, (850)488-7082, Extension 1036 at least five calendar days prior to the meeting.

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The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

**DATE AND TIME:** Thursday, July 29, 1999, 9:00 a.m.

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**PLACE:** The access point where a person may go for purpose of attending the meeting is the Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)921-2548 or Suncom 291-2548.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting will be held to deliberate cases which have come before the Commission for determination.

A copy of the agenda may be obtained by contacting Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, telephone (904)488-7082, extension 1036.

If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Extension 1036, at least five calendar days prior to the meeting.

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## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation** announces a public meeting of the Regulatory Council of Community Association Managers, to which all persons are invited.

**DATE AND TIME:** Friday, July 30, 1999, 10:00 a.m.

**PLACE:** Department of Business and Professional Regulation, Board Conference Room, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-1040

**PURPOSE:** To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040, or by calling their office, (850)488-2141.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Regulatory Council of Community Association Managers, (850)488-2141. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

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The Florida **Board of Dentistry** will hold the following meeting to which all persons are invited:

DATE AND TIME: Wednesday, July 21, 1999, 6:00 p.m.

PLACE: Embassy Suites Hotel, 3974 South River Drive, Miami, FL 33142, (305)634-5000

PURPOSE: To review reconsideration cases

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Linda Barber, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Auctioneers** announces the following telephone conference call meeting to which all persons are invited.

DATE AND TIME: Monday, July 26, 1999, 10:00 a.m. (EST)

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0762.

All interested parties may call (850)921-6433, Suncom 291-6433, to participate in this conference call

PURPOSE: General meeting of the Board to conduct regular Board business

A copy of the agenda may be obtained by writing: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762 or by calling Daryl Dempsey, (850)488-5189.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before to the meeting by contacting: Daryl Dempsey, (850)488-5189. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Professional Engineers** announces a public meeting of the Legislative and Rules Committee which all persons are invited:

DATE AND TIME: Monday, July 19, 1999, 1:00 p.m. or as soon thereafter

PLACE: Courtyard by Marriott, 1018 Apalachee Parkway, Tallahassee, Florida 32301

PURPOSE: Discussion on proposed legislation and review of current and proposed rules.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting: Dennis Barton, (850)521-0500.

The **Department of Business and Professional Regulation, Board of Professional Geologists** announces a General Business Meeting conducted by media technology, specifically a telephone conference call. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: July 19, 1999, 10:00 a.m.

PLACE: Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399

PURPOSE: Board Business

A copy of the agenda may be obtained by writing: Dee O'Connor, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, 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 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 Dee O'Connor by Thursday, July 15, 1999.

The **Department of Business and Professional Regulation, Board of Professional Geologists** announces a General Business Meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

**DATES AND TIMES:** September 9, 1999, 1:00 p.m.; September 10, 1999, 9:00 a.m.

**PLACE:** Crowne Plaza Hotel Tampa, 700 North Westshore Blvd., Tampa, Florida 33609

**PURPOSE:** Board Business

A copy of the agenda may be obtained by writing: Dee O'Connor, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399-0764.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Dee O'Connor by Thursday, August 26, 1999.

The **Board of Accountancy** announces the following public meeting of the Board to which all persons are invited:

**DATE AND TIME:** Wednesday, August 4, 1999, 8:30 a.m.

**PLACE:** Marriott Westshore, 1001 North Westshore Boulevard, Tampa, FL

**PURPOSE:** Enforcement proceedings including consideration of investigating officers reports and other general business. This is a public meeting.

A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 2610 N. W. 43 Street, Suite 1-A, Gainesville, Florida 32606.

**NOTE:** If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Martha Willis, (352)955-2165. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Board of Accountancy** announces the following meeting of the Probable Cause Panel:

**DATE AND TIME:** Thursday, August 19, 1999, 8:45 a.m.

**PLACE:** Hilton Airport Hotel, 2225 North Lois Avenue, Tampa, Florida

**PURPOSE:** The probable cause panel will meet to conduct hearings on disciplinary matters.

These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of any probable cause materials which are open to the public may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 2610 N. W. 43 Street, Suite 1-A, Gainesville, Florida 32606.

**Note:** Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter consider at this meeting, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting: Martha Willis, (352)955-2165. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, August 9, 1999, 10:00 a.m. – 3:00 p.m.

**PLACE:** Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida

**PURPOSE:** This is a public meeting of the Street Sweepings Work Group, at which the Department will seek input from the regulated community as well as other regulatory agencies concerning the appropriate management and disposal practices for street sweepings and storm water sediments.

If accommodation for a disability is needed to participate in this activity, please notify: Lisa Martin, (850)488-0300 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Department by using the Florida Relay service at 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing or calling: Lisa Martin, 2600 Blair Stone Road, MS 4565, Tallahassee, Florida 32399-2400, (850)488-0300.

The **Land Acquisition and Management Advisory Council (LAMAC)**, as defined in Section 259.035, Florida Statutes, announces the following public workshop to which all interested parties are invited.

**Workshop On Sharing Title Interests In Public Land Between State And Local Governments**

**DATE AND TIME:** July 14, 1999, 10:00 a.m.

PLACE: Radisson Hotel Orlando Airport, 5555 Hazeltime National Drive, Orlando, Florida, Ph: (407)856-0100 Fax: (407)855-7991

PURPOSE: To discuss policies and procedures whereby the State and Florida's counties may determine when to pursue the joint holding of title interests in lands purchased for conservation and recreation purposes. Recommendations from the workshop will accompany a white paper to be developed by the LAMAC for later presentation to the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund.

The **Department of Environmental Protection** announces the following public workshop to seek public input on potential changes and improvements to the "less than fee" and "landowners agreements" acquisition program within the Green Swamp Area of Critical State Concern in response to the repeal of s. 380.0677(2), F.S., which transfers the powers, duties and functions of the Green Swamp Land Authority to the Department of Environmental Protection.

DATE AND TIME: Tuesday, July 20, 1999, 7:00 p.m.

PLACE: Polk City Elementary School Cafeteria, 125 South Bougainville Avenue, One block east of SR 33, Polk City, Florida

For further information please contact: Mark Oswalt, (941)984-3797 or write to P. O. Box 1139, Polk City, Florida 33868.

If an accommodation is needed for a disability in order to participate in these meetings, please notify Linda Harvey at (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Department of Environmental Protection** announces a public hearing to which all persons are invited.

DATE AND TIME: Friday, July 23, 1999, 7:00 p.m.

PLACE: Sumter County Courthouse, 209 North Florida Street, Courtroom A, Second Floor, Bushnell, Florida 33513

PURPOSE: To obtain public comments on a request by the Department of Veterans Affairs to acquire 179.81 acres of the Withlacoochee State Forest for expansion of the Florida National Cemetery.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this hearing should contact: Ms. Tracy Peters, (850)488-2291 at least five working days prior to the hearing.

Anyone having any questions or needing additional information should contact: Ms. Tracy Peters, Senior Acquisition Review Agent, Division of State Lands, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, or (850)488-2291.

**DEPARTMENT OF HEALTH**

The **Department of Health** announces a public meeting to which all persons are invited:

DATES AND TIMES: July 29, 1999, 9:00 a.m. – 4:15 p.m.; July 30, 1999, 8:30 a.m.– 2:30 p.m.

Place: Wyndham Westshore, 4860 West Kennedy Blvd., Tampa, FL 33609

Purpose: To determine feasibility of additional training for school health nurses.

For further information contact: Department of Health, School Health Program, (850)488-2838 or SC 278-2838.

The **Department of Health, Division of Medical Quality Assurance** announces a meeting to which all persons are invited.

DATE AND TIME: July 20, 1999, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Health, 1317 Winewood Boulevard, Building 6, Room 103, Tallahassee, Florida 32399-0700, (850)487-2945

PURPOSE: Task Force for the Study of Collaborative Drug Therapy Management

A copy of the agenda may be obtained by writing: Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E., BIN #C00, Tallahassee, Florida 32399-3255, or by calling (850)488-7176.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting (850)488-7176. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Department with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Dentistry** announces a meeting to be held by way of conference telephone (850)488-5776 hookup at the following location:

DATE AND TIME: Tuesday, July 20, 1999, 12:00 noon or as soon as all parties are connected

PLACE: Office of William H. Buckhalt, Executive Director, 1940 North Monroe Street, Tallahassee, FL

PURPOSE: To certify for licensure successful candidates from the June dental/dental hygiene exams and other board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN C06, Tallahassee, Florida 32399-3256, or you may call (850)488-6016. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Linda Barber, (850)488-6016, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber 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 Florida **Board of Dentistry** announces a meeting to be held by way of conference telephone hookup at the following location:

DATE AND TIME: Wednesday, July 21, 1999 beginning at 12:00 noon or as soon as all parties are connected

PLACE: Office of William H. Buckhalt, Executive Director, 1940 North Monroe Street, Tallahassee, FL

PURPOSE: For board to hold a closed executive session to discuss direction of current litigation.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Linda Barber, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber 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 **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited. The meeting will be held by telephone conference call at the following locations:

Marina Garcia Wood, Ft. Lauderdale, FL (954)983-9666

Lucius Noyes, Palatka, FL (904)325-7576

James Norris, St. Cloud, FL (407)892-2135

Gene R. Motley, St. Augustine, FL (904)829-5693

Leonard Inge, Tallahassee, FL (850)599-3474

Juan Mora, Miami, FL (954)924-2032

Helen Fong, Orlando, FL (407)248-1826

Daniel Fucarino, Tampa, FL (813)961-8798

Michael Stamitoles, Pensacola, FL (904)434-4990

Edwin Bayo, Att. Gen. Office, Tallahassee, FL (850)414-3300

John Taylor, Dept. of Health, Tallahassee, FL (850)488-6526

DATE AND TIME: July 20, 1999, 10:00 a.m. (EDT)

PURPOSE: To approve candidates for licensure and examination. Review any applicants with disciplinary action.

A copy of the agenda may be obtained by writing: Board of Pharmacy, 2020 Capital Circle, S. E., BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)487-9833, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting, he will need to ensure a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Correctional Medical Authority** announces a Budget and Personnel Committee meeting to be held in Tallahassee, Florida, to which all persons are invited:

DATE AND TIME: July 22, 1999, 10:00 a.m. – 2:00 p.m.

PLACE: Correctional Medical Authority, Conference Room, 2020 Capital Circle, S. E., Tallahassee, Florida 32399-1732, (850)487-3580

PURPOSE: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 5, Health and Human Services Board announces the following public meeting to which all persons are invited:

Health and Human Services Board

DATE AND TIME: July 21, 1999, 1:30 p.m.

PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Road, Largo, FL

PURPOSE: Board meeting with Judge Kathleen Kearney, Secretary, Department of Children and Family Services. A reception for Judge Kearney will follow at a site to be determined. Both staff and board members of District 5, Department of Children and Family Services, will be invited. Please feel free to contact: Bebe Ademy for further information, (727)588-7053.

The **Human Rights Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: July 20, 1999, 9:30 a.m. (EDT)

PLACE: Clem C. Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, Florida 34950

A copy of the agenda may be obtained by contacting: Pearlie Clark, HRAC Liaison, (561)467-4176.

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

HEALTH AND HUMAN SERVICES BOARD MEETING

DATE AND TIME: July 28, 1999, 10:00 a.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, FL

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

EXECUTIVE COMMITTEE

DATES AND TIME: July 15, 22 & 29, 1999, 8:30 a.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Fort Pierce, Florida

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following chair's office hours to which all interested persons are invited:

DATES AND TIME: July 15, 22 & 29, 1999, 9:30 a.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Fort Pierce, Florida

PURPOSE: To meet with staff, other Board members, etc.

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

SAINT LUCIE COUNTY COMMITTEE

DATE AND TIME: July 28, 1999, 12:00 p.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

MARTIN COUNTY COMMITTEE

DATE AND TIME: July 28, 1999, 5:30 p.m.

PLACE: Stuart Service Center, 821 Martin Luther King Blvd., Stuart, FL 34994

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174

**WEST COAST INLAND NAVIGATION DISTRICT**

The **West Coast Inland Navigation District** announces the following Board of Commissioners Meeting to which all interested parties are invited:

DATE AND TIME: Friday, July 23, 1999, 10:30 a.m.

PLACE: Sarasota County, South County Administration Center, 4000 South Tamiami Trail, Venice, Florida

PURPOSE: To conduct the regular business of the Navigation District.

A copy of the agenda for this meeting may be obtained by writing: WCIND, Post Office Box 1845, Venice, FL 34284.

No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

**ENERGY INVESTMENT COMMITTEE**

Please be advised there will be an **Energy Investment Committee** Meeting to which all interested persons are invited:

DATE AND TIME: July 7, 1999, 10:00 a.m.

PLACE: Enterprise Florida, 390 North Orange Avenue, Conference Room, 13th Floor, Orlando, Florida 32801

If you have any questions, or would like additional information on the meeting, please contact Dave Kershaw at the Technological Research and Development Authority at (407)269-6330.

**JUSTICE ADMINISTRATIVE COMMISSION**

The **Justice Administrative Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: July 14, 1999, 1:30 p.m.

PLACE: Justice Administrative Commission, Conference Room, 117 West College Avenue, Tallahassee, Florida 32301

PURPOSE: Regular Commission Meeting

In conjunction with the Americans with Disabilities Act, please contact: Andrea Bird, (850)488-2415 if special accommodations are needed. For TDD service, please use Dual Party Relay System 1(800)955-8771.

**FLORIDA CONFLICT RESOLUTION CONSORTIUM**

The **Florida Conflict Resolution Consortium** announces a meeting of its Advisory Council to which all interested parties are invited.

DATE AND TIME: Thursday, July 15, 1999, 9:30 a.m. – 3:00 p.m.

PLACE: Center for Leadership and Innovation, Florida Gulf Coast University, The Training Room, 24311 Walden Center Drive, Suite 100, Bonita Springs, Florida 34134

PURPOSE: This meeting will be our annual strategic planning session.

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces a meeting to which all persons are invited:

Operating Committee

DATE AND TIME: July 20, 1999, 9:30 a.m.

PLACE: The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL

PURPOSE: To consider modifications to the FAJUA's forms, rules, and rates, and any other business that may come before the committee.

Additional information may be obtained from: Lisa Blackwell, FAJUA, 1113 E. Tennessee St., Suite 401, Tallahassee, FL 32308.

**FLORIDA PORTS FINANCING COMMISSION**

The **Florida Ports Financing Commission** Financial Advisory Committee announces a telephonic public meeting in which all interested persons are invited to participate.

DATE AND TIME: July 20, 1999, 10:00 a.m. – 11:30 a.m., unless extended

DIAL-IN NUMBER: 1(888)476-3762 – Access Code: 674414 (To participate, please call (850)222-8028 in advance, so the proper number of telephone ports may be assigned.)

PURPOSE: General Business Meeting, including consideration and recommendations regarding selection of underwriters, professional fees, Administrator's Agreement, consulting contracts, and other issues.

A copy of the agenda may be obtained by contacting: James C. Massie, Commission Counsel, Florida Ports Financing Commission, (850)222-8021.

**WAGES BOARD**

NOTICE OF CANCELLATION – The State of Florida, **Wages Board** of Directors Meeting published in the June 18, 1999, Florida Administrative Weekly has been canceled.

DATE AND TIME: Thursday, July 22, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott Hotel (located at the Airport), Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the Board agenda will be available by July 15, 1999. Please contact: Elma Williams, the State of Florida, Wages Office for a copy of the agenda, by calling (813)233-2261.

**SUNSHINE STATE ONE-CALL OF FLORIDA**

The **Sunshine State One-Call of Florida, Inc.** announces the Board of Directors Meeting, Operations Committee Meeting and Safety and Compliance Committee Meeting to which all interested persons are invited.

Board of Directors Meeting

DATE AND TIME: July 22, 1999, 1:00 p.m.

PLACE: Sunshine State One-Call of Florida, Inc., 11 Plantation Road, DeBary, FL 32713, (407)575-2000

Operations Committee Meeting

DATE AND TIME: July 23, 1999, 9:00 a.m.

PLACE: Sunshine State One-Call of Florida, Inc., 11 Plantation Road, DeBary, FL 32713, (407)575-2000

Safety and Compliance Committee Meeting

DATE AND TIME: July 23, 1999, 2:00 p.m.

PLACE: Sunshine State One-Call of Florida, Inc., 11 Plantation Road, DeBary, FL 32713, (407)575-2000

Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements

**DEPARTMENT OF CORRECTIONS**

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on June 17, 1999, from Douglas Jackson. Petitioner is an inmate seeking an amendment of Florida Administrative Code Chapter 33-3.0051. Specifically,

petitioner seeks a provision that would delete that portion of the rule that grants the Department discretion as to whether to provide copying services.

A copy of the Petition may be obtained by writing: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on June 16, 1999, from Joan McKeel. Petitioner is an inmate seeking an amendment of Florida Administrative Code Chapter 33-3.035. Specifically, petitioner seeks a provision that would exclude medical co-payments from the calculation of the dollar amount of canteen merchandise that an inmate purchases per week. Petitioner also requests a provision that would allow unlimited canteen purchases.

A copy of the Petition may be obtained by writing: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

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

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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

**NONE**

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

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE FOR DESIGN AND CONSTRUCTION SERVICES**  
The University of South Florida, on behalf of the University of South Florida Foundation, announces that turnkey design and construction services for the creation of New Student Residence Life Apartments will be required for the project listed below:

Project No. BR-579

Project and Location: USF Residence Hall Expansion Phase 1B, Magnolia Drive Apartments, University of South Florida, Tampa, Florida.

The University will procure turnkey services for this major project in order to maximize quality and scope within the very limited timeframe imposed by bond financing. To accomplish this goal, the University will pursue a Design and Construction Services Team to design, construct, furnish and equip the Magnolia Drive Apartments.

The project consists of new apartments totaling a minimum of 164,993 GSF and a minimum of 498 beds. This project will feature three-story buildings (with two-story options) with a variety of models ranging from two, three and four bedroom apartment-style units which will directly address the unique needs of the non-traditional student (older graduate students, married and/or with families). The unit mix is proposed to be 12-two bedroom units, 32-three bedroom units, and 94-four bedroom units. Building organization and site configuration should conform to quads in keeping with the campus block patterns, creating landscaped quadrangles which allows students and their families to develop a sense of smaller communities within the larger campus community.

The selection process will consist of two distinct parts, Part 1.) the Request for Qualifications (RFQ) submission and evaluation, and Part 2.) the Request for Proposals (RFP) response and evaluation for the shortlisted teams only. The University will contract with the selected team for all design and construction services, to include but not limited to all labor, materials and equipment required to design, construct, furnish and equip the project. Blanket professional design liability insurance will be required for this project in the amount of \$1,000,000.00, and will be provided as a part of Basic Services. The proposed contractual value of this project is approximately \$13,500,000.00. The Team must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best rating of A, Class IX.

**INSTRUCTIONS:**

Teams desiring to apply for consideration shall submit a completed "Design and Construction Services Qualifications Supplement", which may be obtained by contacting: Laura Davis, Word Processing Operator, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Phone (813)974-0332, Fax (813)974-3542. Teams interested in being considered for this project must submit their qualifications in strict accordance with the "Design and Construction Services Qualifications Supplement". A Certification and Selection Committee will review the qualifications of all teams and identify a shortlist of a minimum of three teams. Finalists will be provided with a copy of the Request for Proposal, which is a description of the final submission and interview requirements. The criteria for Part 1 selection will insure the most qualified and experienced teams are shortlisted for development of Part 2 proposals, and the criteria for Part 2 selection will insure that the University is guaranteed the greatest level of quality and scope within the established budget and schedule.

Only Bona Fide teams qualified to provide the design and construction services outlined need apply. The proposed project must be achieved within the stated contractual value amount and schedule (Attachment "A" of the RFQ). Teams that cannot meet this requirement need not submit. Submittals which do not comply with the requirements of the "Design and Construction Services Qualifications Supplement", and/or do not include the requested data may not be considered. All RFQ and RFP submitted materials will become the property of the University. The University reserves the right to reject any and all submittals and to waive any informality or irregularity in the submittals and/or the selection process.

Interested teams are required to attend a MANDATORY presubmittal meeting at the University of South Florida, Tampa Campus to be held at 10:00 a.m. on Thursday, July 29, 1999, in the Phyllis P. Marshall Center Room 269 to review the scope and requirements of this project. (Those unfamiliar with the campus should proceed to the Campus Information Center at the Fowler Avenue entrance for directions.) FAILURE TO ATTEND THIS MEETING WILL RESULT IN DISQUALIFICATION OF TEAM'S RFQ. Requests for meetings by individual teams will not be granted.

**MINORITY PROGRAM:** Teams are required to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, State of Florida Department of Labor and Employment Security. A minimum goal of 21% participation has been established.

Six (6) copies of the required information for the RFQ shall be submitted to the attention of Mr. C. Craig Clements, Architect, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida

33620, no later than 2:15 PM local time, Tuesday, August 10, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications or design proposals without obligation to the respondent.

**INVITATION TO BID**

The School Board of Broward County, Florida

Competitive sealed bids will be received by the Purchasing Department until the date and time shown for the following:

**BID NUMBER:** 20-092B

**BID TITLE:** CLEANING AIDS AND LINENS FOR CAFETERIAS

**DUE DATE/TIME:** JULY 28, 1999 ON OR BEFORE 2:00 P.M.

**LOCATION OF BID OPENING:** Purchasing Department, 7720 W. Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351-6704

**CONTRACT TERM:** OCTOBER 1, 1999 THROUGH SEPTEMBER 30, 2000

**ESTIMATED DOLLAR VALUE OF THE BID:** \$125,000.00

**CONTACT PERSON:** CHARLES V. HIGH, C.P.M., A.P.P.

**TELEPHONE NUMBER:** (954)765-6107

**FAX NUMBER:** (954)768-8911

**E-MAIL:** [chigh@browardschools.com](mailto:chigh@browardschools.com)

**WEBSITE:** <http://www.browardschools.com>

Department: Purchasing

**INVITATION TO BID**

The School Board of Broward County, Florida

Competitive sealed bids will be received by the Purchasing Department until the date and time shown for the following:

**BID NUMBER:** 20-004B

**BID TITLE:** PAPER AND PLASTIC ITEMS FOR CAFETERIAS

**DUE DATE/TIME:** JULY 22, 1999 ON OR BEFORE 2:00 p.m.

**LOCATION OF BID OPENING:** Purchasing Department, 7720 W. Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351-6704

**CONTRACT TERM:** DATE OF AWARD THROUGH AUGUST 31, 2000

**ESTIMATED DOLLAR VALUE OF THE BID:** \$900,000.00

**CONTACT PERSON:** CHARLES V. HIGH, C.P.M., A.P.P.

**TELEPHONE NUMBER:** (954)765-6107

**FAX NUMBER:** (954)768-8911



E-MAIL: chich@browardschools.com  
WEBSITE: http://www.browardschools.com  
Department: Purchasing

**DEPARTMENT OF TRANSPORTATION**

**INVITATION TO BID**

Sealed bids will be received in the Contracts Administration Office (Room 60) or Mail Room, Florida Department of Transportation, 605 Suwannee Street, Mail Station 55, Tallahassee, Florida 32399-0455 until 2:00 p.m. (Tallahassee Local Time) on Thursday, the 12th day of August, 1999, for the work described below.

Bids will be publicly opened and read aloud on:

DATE AND TIME: August 12, 1999, 2:00 p.m. (Eastern Time).

PLACE: Florida Department of Transportation, Room 60, 605 Suwannee Street, Tallahassee, Florida

Financial Project Numbers: 190814 152 01 and 190819 1 52 01.

The work consists of all labor, materials and equipment necessary to construct the Pavement Systems Evaluation Facility located in the Materials Research Park for the Florida Department of Transportation, Gainesville, Florida, Alachua County.

PREQUALIFICATION: Each bidder shall submit a current General or Building Contractors License issued by State of Florida and, if a Florida Corporation, a copy of the Corporate Charter as prequalification of their eligibility with the bid document or fax to the Department, (850)922-6017. The bid will be rejected if a copy of the Contractors License is not with the bid or faxed to DOT prior to the Letting. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004.

Plans and Specifications/Bid Document are free. Orders for Plans, Specifications, and/or Bid Documents should be directed to Dennis Divens or Bessie White, Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Tallahassee, Florida 32399-0455, Phone (850)414-4000. Proposal documents will not be issued after 2:00 p.m. (Eastern Time) on Tuesday, August 11th, 1999. Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the Contracts Administration Office.

A MANDATORY Pre-bid Conference is scheduled for July 23, 1999 at 10:00 a.m. (Eastern Time), at the Florida Department of Transportation, Gainesville Maintenance Office, 5301 N.E. 39th Avenue, Gainesville, Florida 32609. Agency representatives will be present to discuss the specifications and conditions of this bid. Any contractor who fails to attend this conference will not be qualified to bid on this project. Any questions contact: Michael George, (850)414-4361.

MINORITY PROGRAM. In accordance with Florida Statute 287.042(4),(9)(f), the Department requires that at least 21 percent of the project contracted amount be expended with minorities certified by the Office of Minority Business Advocacy and Assistance Office of the Florida Department of Labor Employment Security.

Requirements for all projects noted above:

1. BID BOND: If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of five per cent of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent of the actual bid will invalidate the bid. Bid bonds shall conform to DOT Form 375-020-09 furnished with the proposal forms.

2. PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND: If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount will be required.

3. BID POSTING: Unless otherwise notified in writing, the Summaries of Bids and Notices of Intent will be posted at the Clerk of Agency Proceedings, Florida Department of Transportation, Mail Station 58, Room 550, 605 Suwannee Street, Tallahassee, Florida 32399-0458, on August 18, 1999. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested. Information concerning the posted projects can be obtained by calling the Clerk of Agency Proceedings, Florida Department of Transportation, (850)414-5393, during the posting period.

4. BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS: Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section s. 120.569 and 120.57, Florida Statutes. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0458. Failure to file a protest

within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

**REGIONAL PLANNING COUNCILS**

Notice of Request for Proposal

Contingent upon the availability of funds, Tampa Bay Regional Planning Council as the Area Agency on Aging for Planning and Service Area 5 (Pasco and Pinellas Counties), will be contracting and is soliciting sealed proposals for services for the period January 1, 2000 – December 31, 2000. Services are to be provided to persons 60+ years of age and older. Proposals are solicited for Adult Day Care, Chore, Counseling, Emergency Alert Response, Homemaker, Legal Services, Home Delivered Meals, Congregate Meals and Senior Center Administration in Pinellas County. In Pasco County proposals are solicited for Adult Day Care, Chore, Counseling, Emergency Alert Response, Homemaker, Legal Services, Home Delivered Meals and Congregate Meals, Specifications for proposals may be obtained at the bidder's conference on:

August 10, 1999  
 10:00 a.m. – 12:00 p.m.

Tampa Bay Regional Planning Council  
 Area Agency on Agency  
 9455 Koger Blvd.  
 St. Petersburg, FL 33702

or from Sally D. Gronda at the Area Agency on Aging office beginning August 3, Letters of Intent to submit a proposal are due on August 17, 1999. Sealed proposals are due by 3:00 p.m., on September 3, 1999 with openings immediately following. Tampa Bay Regional Planning Council reserves the right to reject any and all proposals not complying with specifications and requested information.

**REGIONAL TRANSPORTATION AUTHORITIES**

INVITATION TO BID NO. 99-701  
 TICKET STOCK FOR TICKET  
 VENDING MACHINES  
 ADVERTISEMENT

Tri-County Commuter Rail Authority (TCRA), an agency of the state of Florida, operates a seventy-two (72) mile commuter railroad with nineteen (19) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Invitation To Bid (ITB) is to enter into an Agreement for the purchase of Ticket Stock for Ascom Model B8050 Ticket Vending Machines located at TCRA stations. Ticket Stock shall consist of Magnetic Strip tickets (offset strip, non-thermal), Non-Magnetic tickets and Registration Paper furnished on rolls. Purchase Orders for Ticket Stock will be issued on an as needed basis over the term of the Agreement.

A REQUEST FOR DOCUMENTS should be directed to Tom Siciliano at TCRA, 800 NW 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)788-7912. The cost of the solicitation documents is \$10.00, non-refundable. Checks or money orders, made in favor of TCRA, should be forwarded to Tom Siciliano at the address above. Solicitation documents will be available on or about July 6, 1999.

REQUESTS FOR CLARIFICATION regarding specifications or bid documents must be submitted to TCRA no less than ten (10) days before the bid opening date.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 3:00 p.m. on July 23, 1999 at the address above. All envelopes must bear the TCRA provided label which clearly indicates the BIDDER'S NAME, ITB NUMBER & TITLE, and BID OPENING DATE.

TCRA reserves the right to postpone, to 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 date of Bid Opening.

TERM: The term of the Agreement shall be for One (1) year, with four (4) one (1) year option periods.

FUNDING: This project is funded in part by a grant from the Federal Transit Administration. Any resultant Agreement shall be subject to all Federal rules and regulations.

DBE PARTICIPATION: The Disadvantaged Business Enterprise participation goal for this solicitation is seventeen percent (17%).

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

INVITATION TO BID

Proposals are requested from qualified roofing contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 98202010  
 PROJECT: REROOFING OF BUILDING #34  
 NORTHEAST FLORIDA STATE HOSPITAL  
 MACCLENNY, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those firms which are prequalified with the Department of Management Services, Division of Building Construction. Call (850)488-6233 for information on prequalification. After bid opening, the low bidder must qualify in accordance with Rule 60D-5.004. A copy of the rule requirements is included in the Instructions to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures" in the specifications.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: If the construction award is \$100,000.00 or less, a Performance Bond and Labor and Material Payment Bond are not required.

DATE AND TIME: Sealed bids will be received at the Engineering Office of Northeast Florida State Hospital on July 29, 1999 until 2:00 p.m., local time, at which time they will be publicly opened and read aloud. For directions and admission to the site, call the Engineering office at (904)259-6211, Extension 1166.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Architect/Engineer: FLEET & ASSOCIATES ARCHITECTS/PLANNERS, INC., 4041 SUNBEAM ROAD, JACKSONVILLE, FLORIDA 32257, TELEPHONE (904)730-8103.

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 2:00 p.m., local time, on July 30, 1999, at the Engineering Office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

**Section XII  
Miscellaneous**

**DEPARTMENT OF LEGAL AFFAIRS**

**NOTICE OF AVAILABILITY OF GRANT FUNDS  
CRIME STOPPERS**

Attorney General Bob Butterworth and Crime Stoppers are pleased to announce the availability of grant funds for the purpose of advancing Crime Stoppers in the State of Florida. Funding is available only to counties served by an official member of the Florida Association of Crime Stoppers, and may only be used to support Crime Stoppers and their crime fighting programs. Any county or unit of local government may apply for the funds collected in the judicial circuit in which the county is located pursuant to sections 16.555 and 938.06, Florida Statutes (1998 Supp.). A grant application may be obtained by writing: Office of the Attorney General, Crime Stoppers, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050 or by calling (850)414-3362. A request for an application may be Faxed at (850)413-0633. TDD users, please call through the Florida Relay Service at 1(800) 955-8771.

Applications for grant funds under this notice must be received by the Office of the Attorney General by close of business on July 23, 1999. The funding cycle under this notice is for the period of October 1, 1999, through September 30, 2000. For more information regarding this notice, contact Crime Stoppers, (850)414-3300.

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 30, 1999):

**APPLICATION WITHDRAWN**

Application for Authority to Acquire Control of The Americas Trust Bank Applicant and Location: Robert M. Koffler and Marcello Correa-Filho, Miami, Florida

Withdrawn: June 14, 1999

**APPLICATIONS FOR A NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: First Kensington Bank, 1300 Pinehurst Drive, Spring Hill, Florida 34606

Correspondent: Gerald K. Archibald, 4602 Laver Court, Tampa, Florida 33624

Received: June 23, 1999

Applicant and Proposed Location: OptimumBank.com, 10197 Cleary Boulevard, Plantation, Florida 33330

Correspondent: Richard L. Browdy, 11929 S. W. 56 Street, Cooper City, Florida 33330

Received: June 28, 1999

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: FAA Credit Union, Post Office Box 5487, Miami Lakes, Florida 33014-1487

Expansion Includes: The employees of: Faith Health Care, Inc., and JB Power, LTD., that work in Miami, Florida.

Received: June 24, 1999

Correspondent and Telephone Number: Mara L. Falero, Vice President - Marketing and Branch Operations (305)821-7060 or 1(800)426-3556

**DEPARTMENT OF INSURANCE**

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
 CASE NO.: 98-3962

In Re: The Receivership of THE FLORIDA WORKERS' COMPENSATION FUND, a Florida self-insurance fund.  
 NOTICE TO ALL POLICYHOLDERS, CREDITORS AND CLAIMANTS HAVING BUSINESS WITH FLORIDA WORKERS' COMPENSATION FUND.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 13th day of May, 1999, the Department of Insurance of the State of Florida was appointed as Receiver of FLORIDA WORKERS' COMPENSATION FUND, and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors and other persons in this State having claims against the assets of FLORIDA WORKERS' COMPENSATION FUND, shall present such claims to the Receiver on or before 11:59 p.m., November 15, 1999, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Insurance, Receiver for FLORIDA WORKERS' COMPENSATION FUND, Post Office Box 110, Tallahassee, Florida 32302-0110.

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-299-015  
 DATE RECEIVED: 06/25/99  
 DEVELOPMENT NAME: FDEP Commonwealth Property  
 DEVELOPER/AGENT: Daryl H. Ellison  
 DEVELOPMENT TYPE: 28-24.029, 28-24.023, F.A.C.  
 COUNTY LOCATION: Leon  
 LOCAL GOVERNMENT: Leon County

**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 Kia Motors America, Inc., intends to allow the establishment of Alan Jay Kia, as a dealership for the sale of

Kias, at the Lakeshore Mall, 901 U.S. 27 North, Ste. 59, Sebring (Highlands County), Florida 33870, on or after July 15, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Alan Jay Kia are: dealer operator: Alan Wildstein, 2935 N. E. Lakeview Drive, Sebring, Florida 33870; principal investor(s): Alan Jay Wildstein, 2935 N. E. Lakeview Drive, Sebring, Florida 33870. Lawrence Wildstein, 13100 S. W. 67th Avenue, Pinecrest, Florida 33156.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: D. Richard Maxfield, Dealer Development Manager, Kia Motors America, Inc., Southern Region, 7800 The Bluffs, N. W., Suite F, Austell, Georgia 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
 Franchise Motor Vehicle Dealer in a County of More  
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Aprilia U.S.A., Inc., intends to allow the establishment of Ducati of Tampa Bay, Inc., as a dealership for the sale of Aprilia motorcycles, at 628 Cleveland Street, Suite C, Clearwater (Hillsborough County), Florida 33755, on or after June 28, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Ducati of Tampa Bay, Inc. are: dealer operator: Raymond E. Williams, Jr., 628 Cleveland Street, Suite C, Clearwater, Florida 33755; principal investor(s): Raymond E. Williams, Jr., 3740 Bayou Louise Lane, Sarasota, Florida 34236.

The notice indicates an 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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kathryn Hutton, Legal Coordinator, Aprilia U.S.A., Inc., 110 Londonderry Court, Suite 130, Woodstock, Georgia 30188.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Aprilia U.S.A., Inc., intends to allow the establishment of Bill Lennon's Cycle World d/b/a Bill Lennon's Suzuki, as a dealership for the sale of Aprilia motorcycles, at 2630 U.S. 1 South, St. Augustine (St. Johns County), Florida 32086, on or after June 28, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Bill Lennon's Cycle World d/b/a Bill Lennon's Suzuki are: dealer operator: William L. Lennon, Bill Lennon's Cycle World, 2630 U.S. 1, South, St. Augustine, Florida 32086; principal investor(s): William J. Lennon, Sr., and Judith A. Lennon, 27 Dolphin Drive, St. Augustine, Florida 32084.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kathryn Hutton, Legal Coordinator, Aprilia U.S.A., Inc., 110 Londonderry Court, Suite 130, Woodstock, Georgia 30188.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Aprilia U.S.A., Inc., intends to allow the establishment of Cycle of Jacksonville d/b/a Honda of Jacksonville, as a dealership for the sale of Aprilia motorcycles, 8209 Atlantic Boulevard, Jacksonville (Duval County), Florida 34621, on or after June 28, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Cycles of Jacksonville d/b/a Honda of Jacksonville are: dealer operator: John Aldous, 8209 Atlantic Boulevard, Jacksonville, Florida 34621; principal investor(s): John Aldous, 8422 Gemini Road, Jacksonville, Florida 32216.

The notice indicates an 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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kathryn Hutton, Legal Coordinator, Aprilia U.S.A., Inc., 110 Londonderry Court, Suite 130, Woodstock, Georgia 30188.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Aprilia U.S.A., Inc., intends to allow the establishment of Interwoven Trading Corp. d/b/a Gables Motorsport d/b/a Gables Honda, as a dealership for the sale of Aprilia motorcycles, 7300 S. W. 40 Street, Miami (Dade County), Florida 33155, on or after June 28, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Interwoven Trading Corp. d/b/a Gables Motorsports d/b/a Gables Honda are: dealer operator: Marco Rueda, 7300 Bird Road, Suite 200, Miami, Florida 33155; principal investor(s): Felix J. Siman, 7300 S. W. 40 Street, Miami, Florida 33155. Teofilo Siman, 7300 Bird Road, Suite 200, Miami, Florida 33155. Salvador Siman, 7300 Bird Road, Suite 200, Miami, Florida 33155. Alice Siman, 7300 Bird Road, Suite 200, Miami, Florida 33155.

The notice indicates an 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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kathryn Hutton, Legal Coordinator, Aprilia U.S.A., Inc., 110 Londonderry Court, Suite 130, Woodstock, Georgia 30188.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Aprilia U.S.A., Inc., intends to allow the establishment of JP Cycles d/b/a Seminole PowerSports, as a dealership for the sale of Aprilia motorcycles, 3401 N. US Highway 17-92, P. O. Box 521806, Longwood (Seminole County), Florida 32752, on or after June 28, 1999.

The name and address of the dealer operator(s) and principal investor(s) of JP Cycles d/b/a Seminole PowerSports are: dealer operator: Mark Schmidt, JP Cycles d/b/a Seminole Powersports, 3401 N. US Highway 17-92, P. O. Box 521806, Longwood, Florida 32752; principal investor(s): Mark Schmidt, 311 Columbus Circle, Longwood, Florida 32750. Jack W. Parks, 12720 Casey Road, Tampa, Florida 33624. Stephen R. Parks, 1857 Alaqua Drive, Longwood, Florida 32779.

The notice indicates an 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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kathryn Hutton, Legal Coordinator, Aprilia U.S.A., Inc., 110 Londonderry Court, Suite 130, Woodstock, Georgia 30188.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Aprilia U.S.A., Inc., intends to allow the establishment of American Legend Cycles, Inc., as a dealership for the sale of Aprilia motorcycles, 1120 North Washington Boulevard, Sarasota (Sarasota County), Florida 34236, on or after June 28, 1999.

The name and address of the dealer operator(s) and principal investor(s) of American Legend Cycles, Inc. are: dealer operator: Raymond Williams, 1120 North Washington Boulevard, Sarasota, Florida 34236; principal investor(s): Raymond E. Williams, Jr., 3740 Bayou Louise Lane, Sarasota, Florida 34236.

The notice indicates an 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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kathryn Hutton, Legal Coordinator, 110 Londonderry Court, Suite 130, Woodstock, Georgia 30188.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, American Isuzu Motors Inc., intends to allow the establishment of Tallahassee Mack Sales, Inc., as a dealership for chassis service of Isuzu commercial vehicles, at 4740 Blountstown Highway, Tallahassee (Leon County), Florida 32304, on or after June 21, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Tallahassee Mack Sales, Inc. are: dealer operator: Mark A. Thomas, 404 Meridian Ride, Tallahassee, Florida; principal investor(s): Tallahassee Mack Sales, Inc., Employee Stock Ownership Plan, 4740 Blountstown Highway, Tallahassee, Florida 32304.

The notice indicates an 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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: R. E. Summers, Operating Manager Dealer Development, American Isuzu Motors Inc., 13340 183rd Street, Cerritos, California 90702-6007.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Aprilia U.S.A., Inc., intends to allow the establishment of Ride Enterprises, Inc., as a dealership for the sale of Aprilia motorcycles, 710 Washington Avenue, No. 12, Miami (Dade County), Florida 33139, on or after June 28, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Ride Enterprises, Inc. are: dealer operator: Urika Hernandez, 10275 Collins Avenue, #1222, Bal Harbour, Florida 33154; principal investor(s): Alison Filipazzo, 10185 Collins Avenue, #818, Bal Harbour, Florida 33154.

The notice indicates an 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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900, Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kathryn Hutton, Legal Coordinator, Aprilia U.S.A., Inc., 110 Londonderry Court, Suite 130, Woodstock, Georgia 30188.

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 Aprilia U.S.A. Inc., intends to allow the establishment of Florida Motorsport, as a dealership for the sale of Aprilia motorcycles, 991 Appleyard Drive, Tallahassee (Leon County), Florida 32304, on or after June 28, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Florida Motorsports are: dealer operator: Kent Johnson, Florida Motorsport, 991 Appleyard Drive, Tallahassee, Florida 32304; principal investor(s): Kent E. Johnson and Dena Johnson, 10629 Valentine Road N., Tallahassee, Florida 32311.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kathryn Hutton, Legal Coordinator, Aprilia U.S.A., 110 Londonderry Court, Suite 130, Woodstock, Georgia 30188.

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, Yamaha Motor Corporation, U.S.A., intends to allow the establishment of SZS Sales, Inc. d/b/a Action Fun Sports, as a dealership for

the sale of Yamaha motorcycles and Riva motorscooters, at 509 East Laurel Road, Nokomis (Sarasota County), Florida 34275, on or after August 1, 1999.

The name and address of the dealer operator(s) and principal investor(s) of SZS Sales, Inc. d/b/a Action Fun Sports are: dealer operator: Blake C. Zinn, 3915 6th Avenue, West Palmetto, Florida 34221; principal investor(s): Blake C. Zinn, 3915 6th Avenue, West Palmetto, Florida 34221. William B. Sparkman, IV, 2510 17th Avenue, Bradenton, Florida 34209. William B. Sparkman, III, 2523 51st Street, West, Bradenton, Florida 34209.

The notice indicates an 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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Russell D. Jura, Senior Vice President and General Counsel, Yamaha Motor Corporation, U.S.A., 6555 Katella Avenue, Cypress, California 90630-5101.

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 Aprilia U.S.A., Inc., intends to allow the establishment of Tokam Inc. d/b/a Honda Key West, as a dealership for the sale of Aprilia motorcycles, at 417 Southard Street, Key West (Monroe County), Florida 33040, on or after June 28, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Tokam Inc. d/b/a Honda Key West are: dealer operator: Victor Mills, Tokam Inc. d/b/a Honda Key West, 417 Southard Street, Key West, Florida 33040; principal investor(s): Victor Mills, 6 Beechwood Drive, Key West, Florida 33040.



The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kathryn Hutton, Legal Coordinator, Aprilia U.S.A., Inc., 110 Londonderry Court, Suite 130, Woodstock, Georgia 30188.

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.

**DEPARTMENT OF MANAGEMENT SERVICES**

The State of Florida, Department of Management Services, Building Construction announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants' Competitive Negotiation Act for the following:

DATE: June 23, 1999

NAME OF CLIENT AGENCY: Department Of Management Services, Division Of Facilities Management

PROJECT NUMBER: MSFM 96033010

PROJECT NAME: Phase 3 Central Energy Plant

- 1. TILDEN LOBNITZ COOPER, Tallahassee, FL
- 2. AFFILIATED ENGINEERS SE, INC., Gainesville, FL
- 3. HINES, HARTMAN & ASSOCIATES, INC., Tallahassee, FL

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF RECEIPT OF APPLICATION FOR POWER PLANT CERTIFICATION**

The Department has received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, section 403.501 et seq., Florida Statutes, concerning:

Gulf Power Company  
Lansing Smith Unit 3

Power Plant Siting Application No. 99-40  
OGC Case No. 99-0972  
DOAH Case No. 99-2642EPP

The Department is reviewing the application to allow construction and operation of a 574 megawatt (MW), natural gas fired power plant at a proposed power plant site located north of the existing Lansing Smith Electric Generating Plant, northwest of Lynn Haven in Bay County, Florida. A copy of the application for certification is available for review in the office of Hamilton S. Oven, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)487-0472.

Pursuant to section 403.507, F.S., and Rule 62-17, F.A.C., statutory parties to the site certification proceeding should review the application and submit their reports and recommendations.

**POINT OF ENTRY**

This notice does not serve as a point of entry for any person. However, In the future, two hearings will be announced. One hearing will consider the compliance of the site with local land use plans and zoning ordinances. The second will address environmental impacts. Any person who is not a statutory party to the certification proceeding and whose substantial interest is affected and being determined by the proceeding may file a motion to intervene in the proceeding pursuant to chapter 120, Florida Statutes, and the applicable rules; section 403.508(4)(e), Florida Statutes; and section 62-17.141(4), Florida Administrative Code, at least 31 days before the date of the certification hearing. Failure to act within the time frame constitutes a waiver of the right to become a party. Intervention may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. The petition must be filed (received) with the Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550 at least 31 days before the date of the certification hearing.

**DEPARTMENT OF HEALTH**

Request for Public Comments on Florida's WIC Program  
The WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients' needs. WIC is federally funded and serves low and moderate income pregnant, breastfeeding, and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious foods, nutrition education, breastfeeding support, and referrals for health care. WIC is available in all 67 counties in Florida. If you have any comments or suggestions, please

direct them to: Mary Ann Patterson, Department of Health, WIC and Nutrition Services, BIN #A16, 2020 Capital Circle, Southeast, Tallahassee, FL 32399-1726; or by Fax (850)922-3936. Your feedback is essential and is appreciated before August 6, 1999. USDA is an equal opportunity provider and employer.  
P.O. #EV4185

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NOTICE OF FUND AVAILABILITY FOR THE 1999  
FLORIDA EMERGENCY MEDICAL SERVICES (EMS)  
RURAL MATCHING GRANT PROGRAM

AGENCY: Department of Health

GRANT TITLE: Florida EMS Rural Matching Grant

PURPOSE AND EFFECT: To provide grants for prehospital EMS in Florida.

AUTHORITY: Chapter 401, Part II, Florida Statutes (F.S.)

ELIGIBILITY: Emergency Medical Services organizations (EMSOs) in rural counties, as defined in Chapter 401, Part II, F.S., are eligible to apply for grant funding to provide prehospital EMS in Florida.

MATCHING REQUIREMENT: The department will provide 90 percent of the funding, while successful applicants must provide 10 percent of the total cost for an approved project.

TO OBTAIN AN APPLICATION: Please call Byron R. Underwood at (850)487-1911 or SunCom 277-1911, or write to the EMS Rural Matching Grant Program, ATTN: Byron R. Underwood, 2002-D Old Saint Augustine Road, Tallahassee, Florida 32301-4881. Requests for applications may be faxed to the EMS Rural Matching Grant Program at (850)488-2512.

DEADLINE: Applications will be accepted, evaluated and funded on an ongoing basis through May 31, 2000, pending fund availability. No incomplete applications, or applications received by the Bureau of Emergency Medical Services after 5:00 p.m., May 31, 2000, will be considered for funding.

RIGHT TO REJECT: Department of Health reserves the right to reject any and all applications.

P. O. #EU0568

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN June 22, 1999  
 and June 28, 1999**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF INSURANCE**

4-162.005	6/22/99	7/12/99	25/15	
4-162.007	6/22/99	7/12/99	25/15	

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

5C-24.001	6/23/99	7/13/99	25/18	
5C-24.002	6/23/99	7/13/99	25/18	
5C-24.003	6/23/99	7/13/99	25/18	

**DEPARTMENT OF EDUCATION**

**State Board of Education**

6A-10.060	6/22/99	7/12/99	25/18	
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**Education Practices Commission**

6B-4.005	6/22/99	7/12/99	25/18	
6B-4.006	6/22/99	7/12/99	25/18	
6B-4.007	6/22/99	7/12/99	25/18	
6B-4.008	6/22/99	7/12/99	25/18	

**University of Florida**

6C1-4.013	6/28/99	7/18/99	Newspaper	
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**University of Central Florida**

6C7-6.0011	6/23/99	7/13/99	Newspaper	
6C7-6.002	6/23/99	7/13/99	Newspaper	
6C7-6.003	6/23/99	7/13/99	Newspaper	
6C7-6.005	6/23/99	7/13/99	Newspaper	
6C7-6.006	6/23/99	7/13/99	Newspaper	
6C7-6.008	6/23/99	7/13/99	Newspaper	

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**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-1.659	6/22/99	7/12/99	25/16	
40D-1.659	6/25/99	7/15/99	25/20	
40D-2.101	6/25/99	7/15/99	25/20	
40D-3.037	6/25/99	7/15/99	25/20	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

61G4-18.001	6/22/99	7/12/99	25/11	25/21
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**Board of Funeral Directors and Embalmers**

61G8-18.001	6/24/99	7/14/99	25/5	25/21
61G8-18.002	6/24/99	7/14/99	25/5	25/21
61G8-24.040	6/24/99	7/14/99	25/5	25/21
61G8-24.041	6/24/99	7/14/99	25/5	25/21
61G8-27.001	6/24/99	7/14/99	25/5	25/21

**Board of Accountancy**

61H1-31.001	6/25/99	7/15/99	25/19	
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-213.420	6/25/99	7/15/99	25/20	
62-213.440	6/25/99	7/15/99	25/20	
62-528.307	6/25/99	7/15/99	24/36	25/22
62-528.310	6/25/99	7/15/99	24/36	
62-528.630	6/25/99	7/15/99	24/36	

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

64B2-11.007	6/22/99	7/12/99	25/17	
64B2-12.020	6/22/99	7/12/99	25/17	
64B2-15.002	6/22/99	7/12/99	25/17	

**Board of Clinical Laboratory Personnel**

64B3-9.003	6/25/99	7/15/99	25/19	
64B3-9.010	6/25/99	7/15/99	25/19	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
<b>Board of Massage</b>					<b>Division of Disease Control</b>				
64B7-30.004	6/28/99	7/18/99	25/14	25/22	64D-3.011	6/24/99	7/14/99	25/4	25/13
<b>Board of Pharmacy</b>					<b>Division of Environmental Health and Statewide Programs</b>				
64B16-27.300	6/25/99	7/15/99	25/13	25/21	64E-2.001	6/24/99	7/14/99	25/18	
64B16-28.119	6/25/99	7/15/99	25/15		64E-2.003	6/24/99	7/14/99	25/18	
<b>Council of Medical Physicists</b>					64E-2.011	6/24/99	7/14/99	25/18	
64B23-6.001	6/25/99	7/15/99	25/5	25/17	64E-2.013	6/24/99	7/14/99	25/18	
64B23-6.002	6/25/99	7/15/99	25/5	25/17	64E-2.015	6/24/99	7/14/99	25/18	
64B23-6.003	6/25/99	7/15/99	25/5	25/19	64E-2.018	6/24/99	7/14/99	25/18	
64B23-6.004	6/25/99	7/15/99	25/5						
64B23-6.005	6/25/99	7/15/99	25/5						