

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE TITLES: RULE NOS.:

Citrus Budwood Protection Procedure Manual, Citrus Budwood Testing Manual, and Graft-transmissible Diseases of Citrus: Handbook for Detection and Diagnosis	5B-60.004
Citrus Nursery Stock Propagation and Planting Parent Trees	5B-60.006
Scion Trees	5B-60.007
Increase Trees	5B-60.009
Validated Trees	5B-60.010
Source Tree Registration Certificate	5B-60.011
Procedure for Identifying and Recording Citrus Nursery Stock	5B-60.012
Stop-Sale Notice or Hold Order (DACS-08016)	5B-60.013
Fees	5B-60.014
Exemptions	5B-60.015
	5B-60.016

**PURPOSE AND EFFECT:** The purpose of this rule development is to amend Rule Chapter 5B-60 to stipulate that validated increase blocks that originate from registered increase trees must be tested between the 10th and 12th month to qualify for the full 24 month use, which will make this testing consistent with the other testing in the rule. This will reduce the likelihood of propagating disease; to specify that the Certificate of Source Tree Registration for increase blocks shall be valid for a period of 24 months. The effect will be to reduce grower registration costs and eliminate some office paperwork; and to change the fees to more fully reflect the cost of the service. Fees will increase the cost of primary source material but should encourage privatization of budwood sources and preserve department germplasm for use as source material. Overall effect on the cost of nursery tree production should be minor as nursery trees are increased from the initial primary source material and are not individually subject to the fee increase.

**SUBJECT AREA TO BE ADDRESSED:** Rule 5B-60.011 Validated Tree, Rule 5B-60.012 Source Tree Registration Certificate, Rule 5B-60.015 Fees, and the numbering of the forms throughout the Rule Chapter are changed to reflect the new forms numbering system.

**SPECIFIC AUTHORITY:** 570.07(23), 581.031(1),(3),(8) FS.  
**LAW IMPLEMENTED:** 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) 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., October 1, 1999

PLACE: Division of Plant Industry, Cowperthwaite Building Auditorium, 3027 Lake Alfred Road, Winter Haven, FL 33881  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32608, Phone (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-60.004 Citrus Budwood Protection Procedure Manual, Citrus Budwood Testing Manual, and Graft-transmissible Diseases of Citrus: Handbook for Detection and Diagnosis.

The regulations, definitions, and standards in Citrus Budwood Protection Procedure Manual, effective 9-30-96, Citrus Budwood Testing Manual, Revised 3-4-98, and C. N. Rostacher, Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis. (Food and Agricultural Organization of the United Nations, Rome, 1991) are hereby adopted as regulations and rules under the Division of Plant Industry, pursuant to Chapter 581, F.S. Copies may be obtained by contacting the Secretary of State's Office, Tallahassee, Florida. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438, and the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Plant Pathology Section, 1911 S. W. 34th Street, Gainesville, Florida 32608.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(23), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98.

5B-60.006 Citrus Nursery Stock Propagation and Planting.

(1) Effective January 1, 1997, it shall be unlawful for anyone to propagate or plant citrus nursery stock which is not produced in accordance with the provisions of the Citrus Budwood Protection Program. Citrus nursery stock propagated prior to January 1, 1997, shall not be subject to these provisions. Participation in the Citrus Budwood Protection Program shall not imply any warranty on the part of the nurserymen, certified laboratories, the department, or any employee thereof.

(2) Prior to propagating all dooryard, own-use and commercial citrus nursery stock, unless exempted in 5B-60.016, nurserymen and growers shall make application to produce citrus nursery stock on Form DACS-08066 PI-66. Form DACS-08066 PI-66 is effective 9-30-96, and is

hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. Applicants must agree to comply with all the conditions which apply to the Citrus Budwood Protection Program as specified in this rule chapter.

(3) Commercial citrus nursery stock shall be propagated according to the following provisions unless exempted in 5B-60.016.

(a) Propagative material including budwood, air-layers, and cuttings shall be from parent trees, foundation trees, scion trees, increase or validated trees for which a Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) has been issued as specified in 5B-60.012. Form DACS-08072 ~~PI-72~~ is effective \_\_\_\_\_ 9-30-96, and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

(b) Budwood shall be taken under the direct supervision of a witness authorized by the department. Budwood from each source tree shall be wrapped separately. Each bundle shall be labeled showing variety, the tree identification number, and the number of buds counted or estimated.

(c) All propagative material data shall be recorded on a registered budcutting report (DACS-08172) (~~PI-172~~) and submitted to the Bureau of Citrus Budwood Registration at the time of collection. Form DACS-08172 ~~PI-172~~ is effective \_\_\_\_\_ 9-30-96, and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881-1438.

(d) Propagations from each source tree shall be maintained in nursery rows or on greenhouse benches so that each group can be traced back to an individual source tree. Nurserymen shall use permanent tags to label each separate group of propagation with the source tree registration number.

(e) When budding seedlings, only seedlings that previously have not had a bud inserted in them shall be used. If rebudding is necessary, buds from the same registered source as the original bud shall be used.

(f) Propagative material used for topworking shall be from parent trees, foundation trees, scion trees, increase trees, or validated trees.

(g) Seed used for propagation shall be from parent trees, foundation trees, scion trees, or from a seed source tree. Seed imported into the State for propagation shall be certified by an

authorized representative of the department of agriculture of the state or country of origin as meeting the requirements of a seed source tree.

(h) The nurseryman may at his own risk propagate trees from a prospective scion tree at any time after the parent tree is registered and the prospective scion tree has been tested and found free of severe strains of citrus tristeza virus (registration pending). If the prospective scion tree is found not to be horticulturally true-to-type or to have any other genetic deficiency that would disqualify it for registration, the progeny of the prospective scion tree shall be destroyed by and at the expense of the owner within 30 days of the detection.

(i) Commercial citrus nursery stock shall be in compliance with Rule Chapter 5B-44, Nematodes of Citrus and, based on a visual inspection by the department, free of psorosis.

(4) Dooryard citrus nursery stock shall be propagated according to the following provisions unless exempted in 5B-60.016.

(a) Propagative material including budwood, air-layers, and cuttings shall be taken from a parent, scion, foundation, increase, validated tree, or from a dooryard source tree which meets the following conditions:

1. Based on an annual visual inspection, free of recognizable symptoms of psorosis, citrus viroids, tatterleaf virus, Florida gummosis, citrus blight, decline, leprosis, and other quarantinable pests;

2. Tested within the past 12 months and found free of severe strains of citrus tristeza virus, effective May 1, 1998;

3. Vigorous, adequately identified to horticultural type and has borne fruit;

4. Registered on a Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) as specified in 5B-60.012, effective January 1, 1998.

(b) Tests for severe strains of citrus tristeza virus as required in (a)2. shall be performed by certified laboratories or the department. The testing costs shall be the responsibility of the owner. Test results shall be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL within 30 days of determination and not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~).

(c) Propagations from each dooryard source tree shall be maintained in nursery rows or greenhouse benches so that each group can be traced back to an individual source tree. Nurserymen shall use permanent tags to label each separate group of propagation with the dooryard source tree registration number.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

## 5B-60.007 Parent Trees.

Parent trees are selected mature source trees belonging to a nurseryman or grower, or on property that the owner has given written permission to a nurseryman and the department for access for observation, testing, and budcutting.

(1) Prospective parent trees. As a prerequisite to registration, an authorized representative of the department must have visually inspected the prospective parent tree selected by the nurseryman or grower, and the four trees immediately surrounding each prospective parent tree at a time when mature fruit is present. During the inspection the authorized representative must determine that:

(a) The prospective parent tree is apparently free from psorosis, citrus viroids, tatterleaf virus, and severe strains of citrus tristeza virus;

(b) The four trees immediately surrounding the prospective parent tree, on the basis of visual inspection only, do not show any bark and leaf symptoms of the pathogens listed in (a). This does not imply that the four adjacent trees are free of graft-transmissible pathogens.

(2) Prospective parent trees of exceptional horticultural value that are found to be infected with one or more graft-transmissible pathogens can be subjected to shoot-tip grafting or other acceptable techniques to eliminate graft-transmissible pathogens provided this is done under the supervision of the department. Plants that are shoot-tip grafted shall be retested for the graft-transmissible pathogen detected, subject to all other registration requirements, and if shoot-tip grafted by the department, made available for distribution to all interested nurserymen and growers if approved by the owner.

(3) Parent trees. If the prospective parent tree and the four trees immediately surrounding it pass the preliminary inspection, the prospective parent tree shall become eligible for registration provided:

(a) The parent tree has been tested negatively for:

1. Psorosis;
2. Citrus viroids;
3. Severe strains of citrus tristeza virus;
4. Tatterleaf virus, effective January 1, 1998.

(b) The parent tree has been tested negatively by certified laboratories or the department every six years for psorosis, citrus viroids, and effective January 1, 1998 for tatterleaf virus; and annually tested negatively for severe strains of citrus tristeza virus effective May 1, 1997. The testing costs shall be the responsibility of the owner. Test results shall be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL, within 30 days of determination and not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~);

(c) The parent tree is free of recognizable symptoms of other graft-transmissible pathogens and based on an annual visual inspection, apparently free from Florida gummosis, citrus blight, decline, leprosis, evidence of unacceptable bud mutation, and other quarantinable pests;

(d) The parent tree is vigorous, productive, and horticulturally true-to-type and has borne fruit.

(e) A Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) has been issued.

(4) All trees propagated for testing in the department's facilities shall become property of the department.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, \_\_\_\_\_.

## 5B-60.009 Scion Trees.

Scion trees shall be propagated from selected parent or foundation trees, be registered on a Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) as specified in 5B-60.012, and must meet the following requirements:

(1) The layout, design and planting of the scion grove shall meet the requirements specified in the Citrus Budwood Protection Procedure Manual and shall be done under the supervision of the department;

(2) Scion trees shall not exceed 350 trees of any one variety per registered nursery;

(3) Budwood used to propagate scion trees shall be taken under the direct supervision of the department and shall be reported on Form DACS-08172 ~~PI-172~~, Source Tree Bud Cutting Report, Revised 12/97.

(4) The scion trees shall have been budded on nursery rootstocks which have not previously had a bud inserted in them. If rebudding is necessary, buds from the same registered source tree as the original shall be used;

(5) The nurseryman shall furnish the Bureau of Citrus Budwood Registration within 30 days following date of budding, a nursery plat on Form DACS-08073 ~~PI-73~~, revised 4/95, which is adopted and incorporated herein by reference. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. The nursery plat shall identify the location of each progeny tree, indicating the variety, rootstock, and the source tree registration number of the source;

(6) The scion trees, as well as their registered parents, shall have at no time shown symptoms of graft-transmissible pathogens;

(7) The scion trees shall be tested negatively effective January 1, 1998 for psorosis, citrus viroids, and tatterleaf virus, by the department at its expense and discretion, and shall be apparently free, based on an annual visual inspection, from Florida gummosis, citrus blight, decline, leprosis, evidence of unacceptable bud mutation, and other quarantinable pests;

(8) The scion trees shall be tested negatively by certified laboratories at the owner's expense annually for severe strains of citrus tristeza virus effective May 1, 1997. Test results shall be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL, within 30 days of determination and not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~);

(9) The scion trees shall be vigorous, productive, and horticulturally true-to-type and have borne fruit;

(10) Seed used to propagate scion trees shall be from parent trees, scion trees, foundation trees, or from a seed source tree. Seed imported into the State for propagation shall be certified by an authorized representative of the department of agriculture of the state or country of origin as meeting the requirements of a seed source tree;

(11) Prospective scion trees may be propagated from prospective parent trees any time after the parent tree has passed the preliminary inspection and has been tested for citrus tristeza virus and indexing is in progress for psorosis, citrus viroids, and ~~effective January 1, 1998 for~~ tatterleaf virus. The prospective scion tree shall not be eligible for registration until the tree has been planted for at least two years, negatively tested for severe strains of citrus tristeza virus, has borne fruit, and the prospective parent tree has been registered. If the prospective parent tree is found to be infested with the above pathogens, the prospective scion trees will be destroyed by and at the expense of the owner within 30 days of the detection.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

#### 5B-60.010 Increase Trees.

Increase trees shall be registered on a Certificate of Source Tree Registration DACS-08072 (~~PI-72~~) as specified in 5B-60.012 provided they have been propagated as follows:

(1) Budwood must have been obtained under the direct supervision of the department from parent, foundation, or designated scion trees (scion trees tested negatively for citrus exocortis viroid within the past 6 years) which have borne fruit and which have tested negatively for severe isolates of citrus tristeza virus within the past 12 months.

(2) Seed used to propagate increase trees must have come from parent trees, scion trees, or foundation trees, or from a seed source tree. Seed imported into the State for propagation must have been certified by an authorized representative of the department of agriculture of the state or country of origin as meeting the requirements of a seed source tree.

(3) Only seedlings that previously have not had a bud inserted in them must have been used. If rebudding is necessary, buds from the same registered source tree as the original bud must be used.

(4) Increase trees must be vigorous, productive, and horticulturally true-to-type and free of recognizable symptoms of other graft-transmissible pathogens and apparently free based on an annual visual inspection from Florida gummosis, citrus blight, decline, leprosis, evidence of unacceptable bud mutation, and other quarantinable pests.

(5) Field-grown increase trees must have been propagated in single rows, separated from other propagations, and identified with plainly visible permanent markers.

(6) There must be a minimum vacant space of 24 inches between each clone of increase trees in a field grown nursery and 12 inches between each clone of plants grown on greenhouse benches with each clone individually identified.

(7) The nurseryman must furnish the Bureau of Citrus Budwood Registration within 30 days following the date of budding, a nursery plat DACS-08073 (~~PI-73~~), indicating the variety, rootstock, number of trees budded, registration number of source, location of block, and date of budding.

(8) Trees propagated as increase trees under this rule chapter must only serve as registered sources of budwood with no testing required for a period of up to 24 months from budding. Increase trees can be used for nine more months if tested negatively between the 22nd and 24th month for severe strains of citrus tristeza virus. Test samples must be as follows:

(a) A 10 percent systematic composite sample that results in a 90 percent probability of detection of a one percent citrus tristeza virus infection rate is required;

(b) If over one percent severe isolate infection rate is found, then all individual trees being used for budwood must be tested prior to budwood being removed;

(c) All trees not tested will not qualify as source trees and shall be removed and destroyed by and at the expense of the owner within 30 days of the detection;

(d) Tests must be performed by certified laboratories or the department. The testing costs shall be the responsibility of the owner. Test results must be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL not later than the expiration date of the Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~).

(9) Nursery stock propagated from increase trees shall not serve as further sources of registered budwood.

(10) Increase trees from foundation or parent trees used for increase budwood shall qualify for scion grove planting in accordance with 5B-60.009.

(11) Increase trees grown under protected screen enclosures can be used as budwood sources for 48 months if tested as required in (8) and then again between the 34th and 36th month.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

## 5B-60.011 Validated Tree.

Validated source trees shall be validated on a Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~), and must meet the following requirements:

(1) Validated trees must be tested negatively by certified laboratories at the owner's expense annually for severe strains of citrus tristeza virus effective May 1, 1997. Test results must be provided by the certified laboratories to the office of the Bureau of Citrus Budwood Registration, Winter Haven, FL, within 30 days of determination and not later than the expiration date on the Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~).

(2) Validated sources found infected with any of the graft-transmissible pathogens listed in 5B-60.003 will not qualify as budwood sources.

(3) Validated increase blocks can only be used to propagate validated or dooryard nursery trees. Validated increase trees originate from validated sources and comply with 5B-60.010(3) through (9).

(4) Validated increase blocks that originate from registered increase trees must be tested between the 10th and 12th month to qualify for the full 24 month use.

(5)(4) Validated sources used for air-layering can be citrus tristeza virus tested by a 10 tree composite sample. If a composite sample is detected with a severe infection, then all individual trees in that sample must be individually tested prior to use.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

## 5B-59.012 Source Tree Registration Certificate.

(1) Source tree registration certificate. The department shall keep a record of all plantings of source trees. This record shall indicate the variety, strain, and age of the source trees; the owner; location of planting, and location of individual trees in the property by grove, row, and tree number. This information shall be included in a Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) to be issued by the department. Only those trees having a "Yes" "Y" (Yes) or "V" (Validated) in the Reg (Registered) column shall qualify as a source tree. This certificate shall be sent to the owner or agent of the source trees, and copies shall be filed in the office of the Bureau of Citrus Budwood Registration at Winter Haven.

(2) Duration of registration certificate. The Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) shall be valid for a period of 12 months unless revoked due to failure to meet the requirements herein or voluntary withdrawal by the participant. The Certificate of Source Tree Registration (DACS-08072) for increase blocks shall be valid for a period of 24 months.

(3) Renewal. Source tree registration may be renewed, subject to continued eligibility, at the end of each 12 months with the payment of a renewal fee as described in 5B-60.015.

(4) Cancellation. Source Tree Registration Certificates (DACS-08072) (~~PI-72~~) may be canceled or suspended upon:

(a) The detection of psorosis, citrus viroids, tatterleaf virus, or severe strains of citrus tristeza virus in the source tree or a progeny of the source tree, and in the case of a parent tree on any of the four trees immediately surrounding it;

(b) Failure to have source trees tested for graft-transmissible pathogens as required in these rules.

(c) Alteration or misuse of the registration number;

(d) Mishandling of budwood taken from source trees, or the records thereof, which may confuse the facts regarding identity of source trees or nursery stock propagated from source trees;

(e) Evidence of an unacceptable degree of bud mutation on the source or progeny trees;

(f) Evidence that source trees are being allowed to decline or become unthrifty due to neglect, disease, pest infestation, or severe weather conditions;

(g) Failure to follow proper budwood harvesting sanitation procedures;

(h) Failure to pay fees.

(5) Registration fees will not be refunded if the Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) is canceled.

(6) Reinstatement. The Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) canceled or suspended as provided above may be reinstated when:

(a) Delinquent fees are paid;

(b) Careful examination or laboratory tests fail to disclose any evidence of psorosis, citrus viroids, severe strains of citrus tristeza virus, and tatterleaf virus;

(c) For parent, foundation, and scion trees, the source tree or any of the four trees immediately surrounding the source tree found to be pathogen-infected are removed from the planting;

(d) Unthrifty plantings or substandard trees are restored to a healthy condition.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98,\_\_\_\_\_.

## 5B-60.013 Procedure for Identifying and Recording Citrus Nursery Stock.

(1) Identification and record of movement for commercial citrus nursery stock. For the benefit of the buyer, the nurseryman or grower shall identify registered nursery stock as being the progeny of registered source trees by completing the Citrus Nursery Stock Inspection Tag DACS-08038 (~~PI-38~~) at the time of delivery. If the nursery stock was propagated from a validated tree, the Citrus Nursery Stock Inspection Tag (DACS-08038) (~~PI-38~~) must contain this information and the statement that the validated tree was only tested for citrus tristeza virus. The nurseryman or grower shall keep a

systematic record of the movement of citrus trees (DACS-08038) (~~PI-38~~) which shall be available for examination by the department. All movements of nursery stock shall comply with all department requirements pertaining to the inspection and certification as to freedom from plant pests, as well as the use and recording of citrus invoice certificates (tags) (DACS-08038) (~~PI-38~~). Form DACS-08038 PI-38 is effective \_\_\_\_\_ ~~9-30-96~~, and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(2) Dooryard citrus nursery stock shall have each individual tree identified with a slip-on label bearing the producing nursery's certificate of nursery registration number issued by the department.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended \_\_\_\_\_.

**5B-60.014 Stop-Sale Notice or Hold Order (DACS-08016) (~~PI-16~~).**

A Stop-Sale or Hold Order (DACS-08016) (~~PI-16~~) shall be issued for the following reasons:

- (1) Failure to submit budcutting reports to the Bureau of Citrus Budwood Registration;
- (2) Misrepresenting citrus nursery stock as being progeny of registered source trees;
- (3) Misrepresenting the type of source tree from which citrus nursery stock was produced as validated trees.
- (4) Mishandling of budwood or scions, citrus nursery stock, or misuse of records thereof which do not verify or substantiate the correct parentage of citrus nursery stock or source trees;
- (5) Knowingly ~~propagating~~ propagate budwood not meeting the requirements of this rule.

(6) Form DACS 08016 PI-16, Stop-Sale Notice or Hold Order is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended \_\_\_\_\_.

**5B-60.015 Fees.**

An annual source tree registration fee shall be paid as follows:

Parent tree	\$5.00 per tree per year
Scion tree	\$2.00 per tree per year
Increase tree	\$2.00 per 100 trees per year
Dooryard source tree	\$1.00 per tree per year
Validated source tree	\$1.00 per tree per year
Seed source tree	\$1.00 per tree per year

Additional fee:	
Reinstate a tree	\$5.00 plus the back annual registration fees
Miscellaneous fees for division services:	
Witnessing budwood cutting	Mileage <sup>1</sup> and \$5.00 per 1000 budeyes cut, \$10 minimum, \$25 maximum
Citrus viroid or psorosis testing	\$60 per test
Parent tree indexing	\$175 per tree
Shoot-tip grafting	<del>\$500</del> <del>\$300</del>
Budwood	<del>25</del> <del>45</del> cents/eye, \$5.00 minimum
Cut from Citrus Budwood Foundation Grove, Screenhouse and/or Florida Citrus Arboretum	
Tip cuttings (6 inches)	<del>50</del> <del>30</del> cents each
Tip cuttings (6 inches) (Out-of-State)	<del>\$1.50</del> <del>75</del> cents each
New Division of Plant Industry releases	\$1.00/eye (first <u>two</u> years)
Budwood shipment	<del>75</del> <del>50</del> cents/eye, <u>\$50.00</u> <del>\$25.00</del> minimum
(Out-of-State/Foreign)	
Shipping and handling fee for budwood and seed in Florida.	\$3.00 per shipment, or actual cost for large orders

- <sup>1</sup> Mileage shall be based on the prevailing State mileage rate.
- (1) Fees shall be paid prior to obtaining a Certificate of Source Tree Registration (DACS-08072) (~~PI-72~~) and annually thereafter on the anniversary date of the certificate.
  - (2) Fees not paid within 30 days of billing shall be considered past-due. A penalty of \$10.00 or 20 percent of the unpaid balance, whichever is greater, shall be assessed on all past-due fees.
  - (3) Cooperating research agencies whose registered citrus trees are used exclusively for planting on government property are exempt from payment of an annual registration fee.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History--New 9-30-96, Amended 11-4-98, \_\_\_\_\_.

**5B-60.016 Exemptions.**

- (1) Calamondins and other citrus produced from cuttings or seed for out-of-state shipment shall be exempt from the provisions of this rule chapter.
- (2) Citrus trees produced for research purposes in field plantings shall not be exempt from the program requirements contained in this rule chapter. Research facilities shall sign a Citrus Budwood Protection Program Research Facility Compliance Agreement, DACS-08031 PI-276, effective \_\_\_\_\_ ~~2/98~~, incorporated in this rule by reference. Form DACS-08031 PI-276 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438. Requests to plant pathogen infected

material for research projects shall be made on an Application and Permit To Plant Citrus Pathogen Infected Stock, DACS-08274 PI-274, effective \_\_\_\_\_ 1998, and incorporated in this rule by reference. Form DACS-08274 PI-274 may be obtained from the Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438.

(3) Lime trees until five (5) years following the effective date of this Rule Chapter.

(4) Citrus nursery stock produced north of the Suwannee and St. Mary's Rivers, provided it is not moved south of these rivers.

Specific Authority 570.07(23), 581.031(1),(3),(8) FS. Law Implemented 570.07(2),(13), 570.0705, 581.031(1),(14),(17),(23) FS. History—New 9-30-96, Amended 11-4-98, \_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Building Commission –

RULE CHAPTER NO.: 9B-3

Operational Procedures

RULE TITLE: State Building Codes Adopted

RULE NO.: 9B-3.047

PURPOSE AND EFFECT: Replace adoption of state minimum building codes with adoption of the Florida Building Code, effective January 1, 2001.

SUBJECT AREA TO BE ADDRESSED: Statewide uniform building code. Notice of Rule Development was published in the Florida Administrative Weekly, Vol. 25, No. 17, dated April 30, 1999.

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

TIME AND DATE: 1:00 p.m. – 5:00 p.m., September 22, 1999

PLACE: Embassy Suites, Miami International Hotel, 3974 N. W. So. River Dr., Miami, FL

TIME AND DATE: 1:00 p.m. – 5:00 p.m., October 13, 1999

PLACE: Double Tree Hotel, 3011 Maingate Lane, Kissimmee, FL

TIME AND DATE: 1:00 p.m. – 5:00 p.m., October 27, 1999

PLACE: Best Western Gateway Grand, 4200 N. W. 7th Blvd., Gainesville, FL

TIME AND DATE: 8:00 a.m. – 12:00 p.m., November 8, 1999

PLACE: The Registry Resort Hotel, 851 Gulf Shore Blvd. North, Naples, FL

THE PERSON TO BE CONTACTED REGARDING THE SCHEDULED RULE DEVELOPMENT WORKSHOPS IS: Mo Madani, Planning Manager, Codes & Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

Any person requiring special accommodation at the workshops because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards Section,

2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

**DEPARTMENT OF CORRECTIONS**

RULE TITLES:	RULE NOS.:
Routine Mail	33-3.004
Legal Documents and Legal Mail	33-3.005
Privileged Mail	33-3.0052

PURPOSE AND EFFECT: The purpose of the proposed rules is to provide for the stamping of all outgoing inmate mail with the phrase “mailed from a state correctional institution.” The effect of the proposed rules is to ensure that recipients of inmate mail are on notice that the sender is an inmate incarcerated in a state correctional facility.

SUBJECT AREA TO BE ADDRESSED: Inmate outgoing mail.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m., September 22, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-3.004 Routine Mail.

(1) through (8) No change.

(9) The address of all incoming mail must contain the inmate's committed name, identification number and institutional address. The return address of all outgoing mail must contain only the inmate's committed name, identification number and institutional name and institutional address. No prefix other than inmate, Mr., Ms., Miss, or Mrs. nor any suffix other than Jr., Sr. or Roman numeral such as II or III may be included as part of the committed name in the return address. The institutional name in the return address must be spelled out completely with no abbreviations. All outgoing routine mail will be stamped “mailed from a state correctional institution” by mail room staff.

(10) through (12) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98,\_\_\_\_\_.

33-3.005 Legal Documents and Legal Mail.

(1) through (12) No change.

(13) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's committed name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing legal mail with the complete institutional name and address and shall mail it without delay. All outgoing legal mail will be stamped "mailed from a state correctional institution" by mail room staff.

(14) through (15) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98,\_\_\_\_\_.

33-3.0052 Privileged Mail.

(1) through (3) No change.

(4) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing privileged mail with the complete institutional name and address and shall mail it without delay. All outgoing privileged mail will be stamped "mailed from a state correctional institution" by mail room staff.

(5) through (6) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98,\_\_\_\_\_.

**COMMISSION ON ETHICS**

**RULE TITLE:** List of Forms and Instructions  
**RULE NO.:** 34-7.010  
**PURPOSE AND EFFECT:** The Commission is amending its various forms to reflect the current filing year and to clarify instructions.  
**SUBJECT AREA TO BE ADDRESSED:** The forms promulgated by the Commission and adopted by reference in Rule 34-7.010, specifically: CE Form 1; CE Form 2; CE Form

6; CE Form 50; Guide to the Sunshine Amendment and Code of Ethics for Public Officers, Candidates, and Employees; and CE Form 10.

**SPECIFIC AUTHORITY:** Art. II, Sec. 8(f), (h), Fla. Const., 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS.

**LAW IMPLEMENTED:** Art. II, Sec. 8(a), (f), (h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 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., September 17, 1999

**PLACE:** Conference Room, 2822 Remington Green Circle, Suite 101, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Julia Cobb Costas, Staff Attorney

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2000 ~~4/99~~.

(b) Form 2, Quarterly Client Disclosure. To be utilized by elected constitutional officers, state officers, local officers and specified employees for compliance with Section 112.3145(4), Florida Statutes. Effective 1/2000 ~~4/98~~.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2000 ~~4/99~~.

(d) Form 50, Complaint. To be utilized by persons wishing to file a complaint against any public officer, public employee or candidate for public office alleging a violation of any provision of Part III, Chapter 112, Florida Statutes, or to be utilized by persons wishing to file a complaint which alleges any other breach of public trust on the part of a public officer or employee who is not within the jurisdiction of the Judicial Qualifications Commission. Effective 1/2000 ~~2/95~~.

(e) A Guide to the Sunshine Amendment and Code of Ethics for Public Officers, Candidates, and Employees. Instructions to be utilized by public officers, public employees, candidates for public office, and other interested persons in





into Rule 40D-2.091, F.A.C. This will result in a single location in the district's rules for the incorporation of all of the District's permitting forms.

SUBJECT AREA TO BE ADDRESSED: The incorporation by reference of water use permitting forms in Rule 40D-1.659, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.229 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IS: Karen West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions which have been approved by the Governing Board are incorporated by reference into this Chapter and can be obtained from the District.

(1) through (14) No change.

(15) AGRICULTURAL WATER USE FORM – SEASONAL REPORT FORM NO. WUP-14.1 (1/93)

(16) AGRICULTURAL WATER USE FORM – ANNUAL REPORT FORM NO. WUP-15(1/93)

(17) AGRICULTURAL WATER ALLOTMENT FORM – FORM NO. WUP-16 (8/90)

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (12) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

RULE TITLES: Reporting Instructions 59B-9.015  
Manual Submission of Data 59B-9.021

PURPOSE AND EFFECT: The current rules require that ambulatory centers with 300 or more reportable visits in a quarter send ambulatory patient data to the agency using data diskettes or data tapes. The proposed rule amendments add

provisions for CD-ROM submission and the use of the Internet by ambulatory centers to send ambulatory patient data to the agency. Multi-facility tapes will no longer be accepted.

SUBJECT AREA TO BE ADDRESSED: The agency is developing amendments to rules 59B-9.015 and 59B-9.021 that will specify how ambulatory centers send ambulatory patient data to the agency by using the Internet or by mailing data diskettes, CD-ROM or data tapes.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063 FS.

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

TIME AND DATE: 10:00 a.m., September 21, 1999

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jerry Mayer, Director, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-9.015 Reporting Instructions.

(1) Ambulatory centers shall submit ambulatory patient data according to ~~the AHCA Ambulatory Patient Data Rule Format described in~~ Rules 59B-9.018, 59B-9.019, and 59B-9.020, F.A.C.

(2) Ambulatory centers shall report data for all non-emergency room ambulatory or outpatient visits in which the following services are provided:

(a) Surgery services to which the following included in the Current Procedural Terminology (CPT) codes are assigned: CPT codes 10000 through 69999 and 93500 through 93599 Code Book. Codes must be valid in the current or the immediately preceding year's code book to be accepted; ~~CPT codes 10000 through 69999 and 93500 through 93599.~~

(b) Radiological services listed in the Current Procedural Terminology (CPT) codes 77000 through 77999.

(3) Ambulatory centers shall report one record for each patient per visit. If more than one visit for the same patient occurs on the same date, report one record which includes all required data for all visits of that patient to the ambulatory center occurring on that date. If more than one visit occurs on different dates by the same patient, report one record for each date of visit, unless the dates of visits are directly associated to the service. See 59B-9.013(5), F.A.C.

(4) Ambulatory centers shall report all services provided to an ambulatory surgical, cardiac catheterization or radiation therapy patient using CPT or the Health Care Financing Administration Common Procedure Coding System (HCPCS) code.

(5) Licensed short-term acute care hospitals shall report data for all ambulatory or outpatient visits in which the following services are provided:

(a) Non-emergency room surgical services to which the following Current Procedural Terminology (CPT) codes are assigned. CPT codes must be valid in the current or immediately preceding year's code book to be accepted: CPT codes 10000 through 69999 and 93500 through 93599.

(b) Radiological services as listed in the Current Procedural Terminology (CPT) codes 77000 through 77999 (i.e.: Radiation Oncology).

(5) Beginning with the report of patient visits occurring between January 1 and March 31, 2000, inclusive, and thereafter, ambulatory centers shall submit ambulatory patient data reports to agency using one of the following methods described in (a) or in (b) below:

(a) Internet Transmission. The Internet address established for receipt of ambulatory patient data is [www.fdhc.state.fl.us](http://www.fdhc.state.fl.us). Reports sent to the Internet address shall be electronically transmitted with the ambulatory data in a text (ASCII) file. The file shall contain a complete set of ambulatory patient data for the calendar quarter. Each record of the text file must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A'). The data in the text file shall contain the same data elements and codes, the same record layout and meet the same data standards required for tapes or diskettes mailed to the agency as described in Rules 59B-9.018, 59B-9.019 and 59B-9.020.

(b)(6) Tapes, CD-ROM or diskettes shall be sent to the agency's mailing address: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308. Attention: State Center for Health Statistics. Electronic media Tape/Diskette specifications are:

1.(a) Tape:

- a.1. Density – 1600 or 6250 BPI, 9 track
- b.2. Collating Sequence – EBCDIC or ASCII
- c.3. Record Length – 400 Characters, Fixed
- d.4. Blocking – Unblocked
- e.5. Labeling – No Label

6. Multiple files can be submitted on one tape.

2.(b) Diskette and CD-ROM:

- a.1. MS-DOS formatted
- b.2. PC Text File (ASCII)
- c.3. Record Length: – Header Record – 400 Characters, Ambulatory Data Record – 400 Characters, Fixed Trailer Record – 400 Characters, Fixed. Carriage return and line feed are not included in the stated record length counts.

d.4. Type: 3.5" diskette, 1.4MB, hd; or CD-ROM 120 diskette, 120MB.

e.5. FILENAME: (e.g., AS10QYY.TXT) The 5th position shall should contain the quarter (1-4) and the 6th and 7th position contain the year. TXT indicates a text file.

f.(7) Each record must be terminated with a carriage return of hex '00D' and line feed mark of hex '00A'.

g.(8) A maximum of eight (8) diskettes is acceptable for each data set or file. Only one (1) file per diskette set or CD-ROM is allowable. Data requiring more than one diskette shall have the same internal file name. Data requiring more than one (1) diskette shall should be externally labeled 1 of x, 2 of x, etc. (x = total number of diskettes).

(6)(9) Ambulatory centers shall submitting tapes or diskettes, shall affix with the following external identification, or for CD-ROM, use a standard CD-ROM external label with the following information affixed:

- (a) Ambulatory center name
- (b) AHCA center identification in the AHCA eight (8) digit format
- (c) Reporting period
- (d) Number of records excluding the header record and the trailer record
- (e) Tape Density: 1600/6250 BPI
- (f) Tape Collating Sequence
- (g) Diskette or CD-ROM Filename as in Rule 59B-9.015, F.A.C., above.
- (h) Diskette Capacity: 1.4MB or 120MB
- (h)(+) The description: "AMBULATORY PATIENT DATA"

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, \_\_\_\_\_.

59B-9.021 Manual Submission of Data.

Each facility or entity shall submit to the Agency data for the reporting period on diskette or computer tape media. Facilities having more than 199 reportable visits and fewer than 300 reportable visits in a quarter shall may submit the ambulatory patient data using either form AHCA-2000-MIS-13, or according to the requirements in Rule 59B-9.015 diskette or computer tape media.

(1) Form AHCA-2000-MIS-13, may be obtained from the Agency for Health Care Administration, Ambulatory Patient Data Section, 2727 Mahan Drive, Fort Knox Building #3, Tallahassee, Florida 32308-5403.

(2) All ambulatory centers submitting data in compliance with Rules 59B-9.010 through 59B-9.021, F.A.C., shall certify that the data submitted for each reporting period are accurate and complete. Certification is via form APD1.

(2)(3) Form AHCA-2000-MIS-13 is titled "Ambulatory Patient Detail Reporting Form". The effective date of the form is July 1, 1995. Form AHCA-2000-MIS-13 is incorporated by reference.

Specific Authority 408.15(8) FS. Law Implemented 408.006(5), 408.061 FS. History—New 9-6-93, Formerly 59B-7.021, Amended 6-29-95, \_\_\_\_\_.



the delay must be due to unforeseen and unforeseeable factors beyond the control of the reporting hospital. These factors must be specified in the written request for the extension along with documentation of efforts undertaken to meet the filing requirements. Extensions ~~shall not~~ ~~cannot~~ be granted verbally.

~~(7)~~(8) Failure to file the report on or before the due date without an extension, and failure to correct a report which has been filed but contains errors or deficiencies within 10 working days from notification of errors or deficiencies, is punishable by fine pursuant to Rule 59E-7.013.

~~(8)~~(9) Beginning with the inpatient data report for the 1st Quarter of the year 2000 (January 1, 2000 through March 31, 2000), reporting facilities shall submit inpatient discharge reports in one of the following formats. The following instructions apply to hospitals reporting in the Discharge Data Tape/Diskette Format pursuant to Rule 59E-7.014 Discharge Data Reports:

(a) Tapes, CD-ROM or Diskettes shall be sent to the agency's mailing address: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308. Attention: State Center for Health Statistics. Refer to the Data Elements and Formatting Requirements 59E-7.014(1)(a),(b) and (c). Electronic media specifications are:

1. 9-Track Tape:

IBM label or nonlabel tapes

Density 1600 or 6250 BPI

Collating sequence: EBCDIC or ASCII

d. Record Format: Header Record-480 characters, Inpatient Discharge Record-480 characters, Trailer Record-480 characters.

2. Diskette and CD-ROM:

a. Format – MS-DOS text file (ASCII)

b. Type-3.5" (1.44mb) diskette or CD-ROM

c. A header record must accompany each data set and must be placed as the first record on the first diskette of the data set. Each record must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A').

d. Record length: Header Record-480 characters, Inpatient Discharge Record-480 characters, Trailer Record-480 characters. Carriage return and line feeds are not included in the stated record length.

e. Only one file per diskette set or CD-ROM is allowable. Data requiring more than one diskette shall be externally labeled 1 of n, 2 of n, etc.

f. Data reported quarterly shall follow the format: ddddqyy.txt where dddd=data type; q=reporting quarter (1-4); yy=year. EXAMPLE: PD10394.TXT.

g. Data requiring more than one diskette must have the same internal file name.

h. Compressed, backup, or PKZIP files are not acceptable.

3. Tapes or diskettes shall be submitted with the following information on an externally affixed label, or for CD-ROM, use a standard CD-ROM external label with the following information:

a. "HOSPITAL INPATIENT DISCHARGE DATA"

b. Hospital Name: (As on file at AHCA)

c. Hospital Number: (In the AHCA format)

d. Reporting Period for Discharges

e. Number of Records excluding the Header and Trailer records

f. Tape Density: 1600 or 6250 BPI

g. File Format: (TAPES) EBCDIC or (DISKETTES) ASCII

h. Filename: Data reported on diskettes or CD-ROM shall be reported in the following format: ddddqyy.txt where dddd=data type; q=quarter (1-4); yy=year. FILENAME EXAMPLE: PD10394.TXT

i. IBM Labeled tapes require the label identifier (name)

~~(a) Submit AHCA Discharge Data Reports according to the AHCA Discharge Data Tape/Diskette Data Set only (refer to the Data Elements and Formatting Requirements 59E-7.014(1)(a), (b) and (e)).~~

(b) Internet Transmission: The Internet address for the receipt of inpatient data reports is: www.fdhc.state.fl.us. Internet transmission specifications are:

1. The file shall contain a complete set of inpatient discharge data for the reporting quarter.

2. Reports submitted to the Internet address shall be electronically transmitted with the inpatient data in a text (ASCII) file. Each record of the text file must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A').

3. The data in the text file shall comply with the formatting requirements specified in Rules 59E-7.014 and 59E-7.016.

~~(c)~~(b) All acute, intensive care; and short term psychiatric live discharges and deaths including newborn live discharges and deaths ~~shall~~ ~~should~~ be reported.

~~(e) Tape/Diskette specifications are:~~

~~1. 9-Track Tape:~~

~~a. IBM label or nonlabel tapes:~~

~~b. Density 1600 or 6250 BPI:~~

~~c. Collating sequence – EBCDIC or ASCII:~~

~~d. Record Format – Fixed length records:~~

~~e. Record Length: Header Record-480 characters, Inpatient Discharge Record-480 Characters, Trailer Record-480 Characters:~~

~~f. All merging of hospital inpatient discharge data documentation, on discharge data tapes or diskettes, is the hospital's responsibility.~~

~~2. Diskette:~~

~~a. Format – MS-DOS text file (ASCII):~~

~~b. Diskette type – 3.5" (1.44 mb) or 5.25" (1.2 mb) ds/hd.~~

e. A header record must accompany each data set and must be placed as the first records on the first diskette of the data set. Each record must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A').

d. Record length: Header Record—480 characters, Inpatient Discharge Record—480 characters, Trailer Record—480 characters; Fixed. Carriage return and line feed are not included in the record counts.

e. A maximum of 4 diskettes (approximately 12,000 records) is acceptable for each data set or file. Only one file per diskette set is allowable. A data set or file that requires more than 4 diskettes must be submitted by tape. Data requiring more than one diskette should be externally labeled 1 of n, 2 of n, etc., where n is the total number of diskettes.

f. Data reported quarterly should follow the following format: ddddqyy.txt. dddd=data type; q=quarter (1-4); yy=year. EXAMPLE PD10394.TXT.

g. Data requiring more than one diskette must have the same internal file name.

h. Compressed, backup, or PKZIP files are not acceptable.

(d) Tapes or diskettes shall be submitted with the following information on an externally affixed label:

1. "HOSPITAL INPATIENT DISCHARGE DATA"
2. Hospital Name: (As on file at AHCA)
3. Hospital Number: (In the AHCA 6 digit format)
4. Reporting Period for discharges.
5. Number of Records excluding the Header and Trailer records.

6. Tape Density: 1600/6250 BPI

7. File Format: (TAPES) EBCDIC or ASCH, (DISKETTES) ASCH.

8. Filename: Data reported on diskettes should be reported in the following format: ddddqyy.txt

dddd = data type  
q = quarter (1-4)  
yy = year

FILENAME EXAMPLE: PD10394.TXT

9. IBM Labeled tapes require the label identifier (name)

(d)(e) Submit one record per inpatient discharge, to include all newborn admissions, transfers and deaths.

(9)(10) All hospitals submitting data in compliance with Rules 59E-7.011 through 59E-7.014 shall certify that the data submitted for each quarter is accurate, complete, and verifiable using Certification Form for Inpatient Discharge Data, AHCA Form 4200-0002, dated 10/93 and incorporated by reference. AHCA Form 4200-0002 can be obtained from the Agency's office at the Agency for Health Care Administration, State Center for Health Statistics, Hospital Patient Data Section, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308.

(11) Upon each initial submission and subsequent resubmission, both the Chief Executive Officer and Chief Financial Officer or designee shall certify in writing that a complete review was performed to assure that all data submitted is accurate, complete, and verifiable.

(10)(12) Each hospital must precertify each calendar quarter's data at the time that the data is submitted pursuant to Rule 59E-7.012(5)(a) through (d). Hospitals not certified within six (6) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule 59E-7.013. Extensions to this six (6) month period will not be granted.

(11)(13) Changes and/or corrections to hospital data will be accepted from hospitals to improve their data quality for a period of eighteen (18) months following the initial submission of data. Any changes to a hospital's data after this eighteen-month period shall be subject to penalties pursuant to Rule 59E-7.013.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), (2), (13), 408.15(11) FS. History—New 12-15-96, Amended

**DEPARTMENT OF MANAGEMENT SERVICES**

**Career Service System**

RULE CHAPTER TITLE: Attendance and Leave  
RULE CHAPTER NO.: 60K-5

RULE TITLE: Administrative Leave  
RULE NO.: 60K-5.032

PURPOSE AND EFFECT: Grants a total of one hour of administrative leave per week to employees to participate in school or community activities.

SUBJECT AREA TO BE ADDRESSED: Administrative leave granted to employees for mentoring activities.

SPECIFIC AUTHORITY: 110.201, 110.219(5) FS.

LAW IMPLEMENTED: 110.219, 110.118 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., September 20, 1999

PLACE: Room 380M, 4040 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anna B. Gray, Personnel Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60K-5.032 Administrative Leave.

(3) While administrative leave is provided for full-time employees, part-time employees shall be granted a prorated number of hours for each type of administrative leave based on the number of hours regularly worked during the workweek or pay period.

(1) Mentoring:

1. Each employee may be granted up to one hour of administrative leave per week, not to exceed five hours per calendar month, to participate in the Governor's Mentoring Initiative including the following school or community voluntary activities:

a. Mentoring, tutoring, guest speaking and, when participating in an established mentoring program serving a school district, providing any related services at the direction of the program or volunteer coordinator.

b. Participating in community service programs that meet child, elder, or human needs, including Guardian Ad Litem, Big-Brother/Big Sister, Senior Corps, and Adult Literacy.

c. The supervisor may approve the aggregated use of up to four hours in any calendar month, provided the agency head or the agency head's designee deems such usage appropriate for the delivery of services under sub-subparagraph a. and b. In such cases no further administrative leave shall be granted pursuant to sub-subparagraphs a. or b. until one week has elapsed for every additional hour taken in the aggregate.

2. In granting administrative leave for any purpose under this section, the supervisor shall take into consideration the impact of such leave on the employees' work unit.

3. If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.

Specific Authority 110.201, 110.219(5) FS. Law Implemented 110.219, 110.118 FS. History--New 10-24-94, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLES:	RULE NOS.:
Renewal and Reactivation of Fees	61G10-13.004
Obtaining Inactive Status:	
Voluntary; Involuntary	61G10-13.005
Reactivation of Inactive License	61G10-13.007

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Renewal and reactivation of fees; obtaining inactive status: voluntary; involuntary; reactivation of inactive status.

SPECIFIC AUTHORITY: 481.306, 481.315 FS.

LAW IMPLEMENTED: 481.315 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., on September 17, 1999

PLACE: The Department of Business and Professional Regulation, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dee O'Conner, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE:	RULE NO.:
Areas of Competency and Grading Criteria	61G15-21.002

PURPOSE AND EFFECT: The Board proposes to do a substantial rewording of the proposed rule which will update the rule text.

SUBJECT AREA TO BE ADDRESSED: Areas of competency and grading criteria.

SPECIFIC AUTHORITY: 455.217(1)(c), 471.013 FS.

LAW IMPLEMENTED: 455.217(1)(c), 471.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE:	RULE NO.:
License Fees and Examination Fees	61J2-1.011

PURPOSE AND EFFECT: The purpose and effect is for the Florida Real Estate Commission to consider amending the time period for renewing an educational course. Also, the Commission will review license and examination fees to determine if they need to be amended.

SUBJECT AREA TO BE ADDRESSED: The Florida Real Estate Commission will review the time period for the renewal of education course offerings and license and examination fees. SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.2281, 475.04, 475.125, 475.182, 475.24, 475.451, 68.065(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: 8:30 a.m., October 20, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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: NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 96-104R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Solid Waste Management Facilities	62-701
RULE TITLES:	RULE NOS.:
Intent	62-701.100
Definitions	62-701.200
Documents Incorporated by Reference	62-701.210
General Applicability	62-701.220
Prohibitions	62-701.300
Approval of Alternate Procedures and Requirements	62-701.310
Solid Waste Management Facility Permit Requirements, General	62-701.320
Landfill Permit Requirements	62-701.330
General Criteria For Landfills	62-701.340
Landfill Construction Requirements	62-701.400
Hydrogeological and Geotechnical Investigation Requirements	62-701.410
Vertical Expansion of Landfills	62-701.430
Landfill Operation Requirements	62-701.500
Water Quality and Leachate Monitoring Requirements	62-701.510
Special Waste Handling	62-701.520
Landfill Final Closure	62-701.600
Closure Procedures	62-701.610
Long-Term Care	62-701.620
Financial Assurance	62-701.630
Closure of Existing Landfills	62-701.640
Materials Recovery Facilities	62-701.700

Construction and Demolition Debris Disposal and Recycling	62-701.730
General Permit for Solid Waste Transfer Station	62-701.801
General Permit for Off-site Disposal of Land Clearing Debris	62-701.803
Forms	62-701.900

PURPOSE AND EFFECT: The Department previously filed two Notices of Proposed Rule Development for Chapter 62-701 in the Florida Administrative Weekly: in Vol. 23, No. 1, January 3, 1997, and in Vol. 23, No. 13, March 28, 1997. In addition to the proposed changes in those two notices, the Department is proposing to amend several other sections of the rule chapter. Although no specific amendments are being proposed at this time, it is anticipated that amendments will address the prohibitions on solid waste disposal, the regulation of transfer stations and materials recovery facilities, financial assurance for facility closure, and other sections of this rule chapter. There are also a number of clerical or technical changes which need to be made.

SUBJECT AREA TO BE ADDRESSED: Solid waste management.

SPECIFIC AUTHORITY: 403.061, 403.0877, 403.704, 403.707, 403.716, 403.814 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.0877, 403.088, 403.701 through 403.717, 403.814 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME AND PLACE SET FORTH BELOW.

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

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, AN AGENDA FOR THE WORKSHOP, AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Jean Yon, Department of Environmental Protection, Solid Waste Section, Tallahassee, FL 32399-2400, telephone (850)488-0300

EXCEPT AS SPECIFIED IN THE TWO EARLIER NOTICES OF PROPOSED RULE DEVELOPMENT, THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

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 ENVIRONMENTAL PROTECTION**

DOCKET NO.: 99-31R

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Criteria for the Production and Use of                      62-709  
 Compost Made From Solid Waste

RULE TITLES:    RULE NOS.:

General Provisions    62-709.300  
 Design Criteria    62-709.500  
 Operation Criteria    62-709.510  
 Testing, Recording and Reporting Requirements                      62-709.530  
 Classification of Compost    62-709.550  
 Criteria for the Use of Compost    62-709.600

PURPOSE AND EFFECT: The current rule creates a permitting exemption for the mulching of yard trash. The Department is considering extending this exemption to operations that compost yard trash. If this new exemption is created, the rule may be amended to include other criteria for these compost operations, such as registrations and best management practices. There are also a number of clerical or technical changes which need to be made.

SUBJECT AREA TO BE ADDRESSED: Solid waste composting.

SPECIFIC AUTHORITY: 403.061, 403.704, 403.7043 FS.

LAW IMPLEMENTED: 403.7043, 403.707 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME AND PLACE SET FORTH BELOW:

TIME AND DATE: 9:30 a.m., Friday, September 24, 1999

PLACE: Orlando Public Library, 101 East Central Blvd., Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, AN AGENDA FOR THE WORKSHOP, AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Francine Joyal, Department of Environmental Protection, Solid Waste Section, Tallahassee, FL 32399-2400, telephone (850)488-0300

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME: 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 ENVIRONMENTAL PROTECTION**

DOCKET NO.: 99-32R

RULE CHAPTER TITLES:                      RULE CHAPTER NOS.:

Waste Tire Rule    62-711

RULE TITLES:    RULE NOS.:

Waste Tire Permit Requirements                      62-711.300  
 Waste Tire Prohibitions                      62-711.400  
 Waste Tire Site Notification                      62-711.500  
     and Requirements  
 Waste Tire Collector Requirements                      62-711.520

Waste Tire Processing Facility

    Requirements    62-711.530

Storage Requirements    62-711.540

Waste Tire Collection Center Requirements                      62-711.550

Closing of Waste Tire Sites                      62-711.700

General Permits    62-711.801

PURPOSE AND EFFECT: Chapter 99-215, Laws of Florida, amended Section 403.717, Florida Statutes, to raise the minimum number of waste tires in a waste tire site from 1,000 to 1,500, and to make other corresponding changes to reflect this new number. This will require a number of conforming changes to the Waste Tire Rule. In addition, the Department is proposing to add criteria to determine when a processed tire is considered a product. There are also a number of clerical or technical changes which need to be made.

SUBJECT AREA TO BE ADDRESSED: Waste Tire Management.

SPECIFIC AUTHORITY: 403.704, 403.709, 403.717, 403.814 FS.

LAW IMPLEMENTED: 403.707, 403.709, 403.717, 403.814 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Rae Clark, Department of Environmental Protection, Solid Waste Section, Tallahassee, FL 32399-2400, telephone (850)488-0300

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

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 ENVIRONMENTAL PROTECTION**

DOCKET NO.: 99-33R

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

The Management of Spent Mercury                      62-737  
     Containing Lamps and Devices                      62-737

    Destined for Recycling                      62-737

RULE TITLES:    RULE NOS.:

Requirements and Management Standards                      62-737.400  
     for Handlers and Transporters of Spent

    Universal Waste Lamps and Devices

Additional Permitting Requirements for                      62-737.840

    Mercury Recovery Facilities

PURPOSE AND EFFECT: This rule is being amended to clarify those criteria the Department applies when taking action to deny, suspend or revoke the registration issued to any handler or transporter of spent mercury-containing lamps or devices. In addition, a provision is being added to allow for an alternate procedure that permitted mercury recovery facilities in the state can apply for in order to recover the same amount of mercury called for under the reduced "average mercury content" residual standard which goes into effect on January 1, 2000.

SUBJECT AREA TO BE ADDRESSED: Mercury-containing lamps and devices destined for recycling.

SPECIFIC AUTHORITY: 403.061, 403.7186 FS.

LAW IMPLEMENTED: 403.7186, 403.721 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Raoul Clarke, Department of Environmental Protection, Hazardous Waste Management Section, MS 4555, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)488-0300

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

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 Chiropractic**

RULE TITLE: Application for Licensure Examination

RULE NO.: 64B2-11.001

PURPOSE AND EFFECT: The Board proposes the development of a rule to address the chiropractic training program.

SUBJECT AREA TO BE ADDRESSED: Chiropractic training program.

SPECIFIC AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 460.406 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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 Chiropractic/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-11.001 Application for Licensure Examination.

(1) No change.

(2) The board shall certify to the Department as eligible to take the licensure examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter 64B2-12, to the Department and who have demonstrated to the Board that they:

(a) through (c) No change.

~~(d) Shall have completed a three-month training program in this state of not less than 300 hours with a chiropractic physician licensed in this state as defined in Section 64B2-17.0045, F.A.C. Trainee will submit proof of completion, on a form approved by the Board, upon application for licensure examination.~~

~~(d)(e)~~ No change.

(3) In order that the Board may timely certify to the Department of Health those applicants eligible to take the examination, all applications, fees and all supporting documents ~~with the exception of the Certification of Completion Form for the Chiropractic Physician Candidate Training Program~~ must be on file with the Board no later than March 1st of each year for those candidates applying for the May Examination. ~~The Certification of Completion Form must be on file with the Board no later than April 1st of each year for those candidates applying for the May Examination.~~ All applications, fees and all supporting documents ~~with the exception of the Certification of Completion Form for the Chiropractic Physician Candidate Training Program~~ must be on file with the Board no later than September 1st of each year for those candidates applying for the November Examination. ~~The Certification of Completion Form must be on file with the Board no later than October 1st of each year for those candidates applying for the November Examination.~~

Specific Authority 460.405, 460.406 FS. Law Implemented 460.406 FS. History-New 1-10-80, Amended 3-15-81, 10-10-85, Formerly 21D-11.01, Amended 2-19-86, 10-6-86, 1-28-87, 2-1-88, 4-19-89, 12-31-89, 5-7-90, 7-8-90, 7-15-91, 2-2-93, Formerly 21D-11.001, Amended 4-18-94, Formerly 61F2-11.001, Amended 2-20-95, Formerly 59N-11.001, Amended 11-4-98.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

RULE TITLE: Work Requirements for Medical

RULE NO.:

Incapacity and SSI Applicants

65A-4.206

**PURPOSE AND EFFECT:** This proposed rule implements the requirements of Ch. 414.065(7)(d), F.S., Noncompliance related to medical incapacity, 414.065(7)(e), F.S., Noncompliance due to medical incapacity by applicants for Supplemental Security Income (SSI), and 414.105(10), F.S., Time limitations of temporary cash assistance, that the department adopt certain rules.

**SUBJECT AREA TO BE ADDRESSED:** This proposed rule will establish requirements for individuals claiming good cause for non-compliance with work requirements due to medical incapacity.

**SPECIFIC AUTHORITY:** 414.45 FS.

**LAW IMPLEMENTED:** 414.065(7)(d), 414.065(7)(e), 414.105(10) 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., September 17, 1999

**PLACE:** 1317 Winewood Blvd., Bldg. 3, Room 414, Tallahassee, FL 32399-0700

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Dan Goss, 1317 Winewood Blvd., Bldg. 3, Room 412K, Tallahassee, FL 32399-0700

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

**RULE TITLE:** Regulations Relating to Miscellaneous Areas **RULE NO.:** 68A-15.006

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to establish specific public use and hunting regulations for wild hog and miscellaneous areas established under Commission Rule 68A-14.001, FAC. The effect of the proposed rule would be to better facilitate and regulate public use and hunting on these areas and provide for necessary resource management and protection.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to Type I WMAs.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 9:00 a.m. each day, October 6-8, 1999, December 8-10, 1999, January 10-12, 2000, March 15-17, 2000 and May 17-19, 2000

**PLACE:** Specific location to be announced

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**Section II  
Proposed Rules**

**DEPARTMENT BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Care and Maintenance of Existing Cemetery Records	3F-6.002
Cash Payments Received	3F-6.005
Unaccountable Contracts	3F-6.0053
	3F-6.0055

**PURPOSE AND EFFECT:** The purpose and effect of the amendments to these proposed rules are to clarify the guidelines and procedures for the care and maintenance of a licensed cemetery, including all aspects of record keeping for the licensed facility, provisions for receipts for cash payments, and audit trails for preneed and at-need contracts.

**SUMMARY:** These Rules setforth the guidelines and procedures for the care and maintance of existing cemeteries by amending subsection 3F-6.002 and recordkeeping, 3F-6.005; and by creating new subsections, 3F-6.0053 and 3F-6.0055 to setforth guidelines and procedures for cash payments received and unaccountable contracts.

**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 regulatroty alternative must do so in writing within 21 days of the notice.



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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.

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

TIME AND DATE: 10:30 a.m., October 11, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Life & Health Insurer Solvency, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5038

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)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Annual Statement Instructions, Property and Casualty, 1999 ~~1998~~;

2. The NAIC's Annual Statement Instructions/Life, Accident and Health, 1999 ~~1998~~;

3. The NAIC's Accounting Practices and Procedures Manual for Property and Casualty Insurance Companies, 1999 ~~1998~~; and

4. The NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, 1999 ~~1998~~.

(b) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1)624.424(1) FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Actuary, Insurer Services, Bureau of Life and Health Insurer Solvency & Market Conduct, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michelle Newell, Chief, Bureau of Life & Health Insurer Solvency, Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: July 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999

**DEPARTMENT OF INSURANCE**

RULE TITLE: NAIC Financial Examiners Handbook Adopted

RULE NO.: 4-138.001

PURPOSE AND EFFECT: The amendments reflect the 1999 annual update of the National Association of Insurance Commissioners' (NAIC's) Examiner's Handbook.

SUMMARY: The rule is being amended to update the NAIC handbook references to adopt improvements to the handbook and maintain consistency with the NAIC and other jurisdictions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308 FS.

LAW IMPLEMENTED: 624.316 FS.

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

TIME AND DATE: 10:15 a.m., October 11, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Actuary, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-5038

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 FULL TEXT OF THE PROPOSED RULE IS:

4-138.001 NAIC Financial Examiners Handbook Adopted.

The National Association of Insurance Commissioners Financial Examiners Handbook (1999~~1996~~) is hereby adopted and incorporated by reference, with the exception of Part 8, Appendix A. Financial examinations by the Department shall be performed in substantial conformity with the methodology

outlined in the Handbook, so long as that methodology is consistent with statutory accounting principles and the Florida Insurance Code. A copy of the Examiners Handbook may be obtained from the National Association of Insurance Commissioners, 120 West 12th Street, Suite 1100, Kansas City, Missouri 63105. A copy of the Examiners Handbook may be inspected at the Department at its headquarters in Tallahassee, Florida, during regular business hours.

Specific Authority 624.308(1) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Kerry Krantz, Actuary, Insurer Services, Bureau of Life and Health Insurer Solvency & Market Conduct, Department of Insurance

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Michelle Newell, Chief, Bureau of Life & Health Insurer Solvency, Insurer Services, Department of Insurance

**DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD:** July 7, 1999

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** July 30, 1999

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Required Options **RULE NO.:** 4-138.044

**PURPOSE AND EFFECT:** The amendments reflect the 1999 annual update of the National Association of Insurance Commissioners' (NAIC's) Examiner's Handbook, Accounting Practices and Procedures Manual, and Annual Statement Instructions.

**SUMMARY:** The rule is being amended to update the NAIC manual, instructions and handbook references, to adopt improvements to the handbook, instructions and manuals, and to maintain consistency with the NAIC and other jurisdictions.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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:** 624.308(1), 625.121(3)(a) FS.

**LAW IMPLEMENTED:** 624.316(1)(c), 624.424(1), 625.121(3) FS.

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

**TIME AND DATE:** 10:00 a.m., October 11, 1999

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kerry Krantz, Actuary, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-5038

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)413-4214.

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

4-138.044 Required Opinions.

(1) through (2) No change.

(3) Exemption Eligibility Tests.

(a) Any Category A company that for any year, beginning with calendar year 1993, for which the annual statement is due on March 1, 1994, meets all of the following criteria shall be eligible for exemption from submission of a statement of actuarial opinion in accordance with rule 4-138.046 of this part for the year in which these criteria are met. The ratios in 1., 2., and 3. below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

1. The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .10.

2. The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .30.

3. The ratio of the book value of the medium to lower quality obligations to the sum of capital and surplus is less than .50.

4.a. The Examiner Team for the NAIC, in applying the criteria set forth in the NAIC's Annual Statement Instructions/Life, Accident and Health, ~~1998~~, and the NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, ~~1998~~ as adopted and incorporated by reference in rule 4-137.001(4) and in the NAIC's Financial Examiners Handbook (~~1998~~) as adopted and incorporated by reference in rule 4-138.001, has not designated the company as:

i. a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or

ii. a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or

b. The company has resolved the first or second priority status to the satisfaction of the Department of Insurance of the state of domicile.

(b) Any Category B company that for any year, beginning with calendar year 1993, for which the annual statement is due on March 1, 1994, meets all of the following criteria shall be

eligible for exemption from submission of a statement of actuarial opinion in accordance with rule 4-138.046 of this part for the year in which the criteria are met. The ratios in 1., 2., and 3. below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

1. The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .07.

2. The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .40.

3. The ratio of the book value of the medium to lower quality obligations to the sum of capital and surplus is less than .50.

4.a. The Examiner Team for the NAIC, in applying the criteria set forth in the NAIC's Annual Statement Instructions/Life, Accident and Health, ~~1998~~, and the NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, ~~1998~~ as adopted and incorporated by reference in rule 4-137.001(4) and in the NAIC's Financial Examiners Handbook (~~1998~~) as adopted and incorporated by reference in rule 4-138.001, has not designated the company as:

i. a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or

ii. a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or

b. The company has resolved the first or second priority status to the satisfaction of the insurance supervisory official of the state of domicile.

(c) Any Category A or Category B company that meets all of the criteria set forth in paragraph (a) or (b) of this subsection, whichever is applicable, is exempted from submission of a statement of actuarial opinion in accordance with rule 4-138.046 of this part unless the Department makes a specific finding, based on an analysis of the company's financial statement, that compliance is necessary in order for the Department to determine that the life and health insurer or the fraternal benefit society is in compliance with chapters 624, 625, 626, 627, or 632 of the Insurance Code; or the Department has reason to believe that the financial statement upon which the calculations are based is incomplete, inaccurate, or otherwise not in compliance with rule 4-137.001, Florida Administrative Code; or the company is using such methods and practices in the conduct of its business as to render its further transaction of insurance in this state hazardous or injurious to the policyholders or to the public.

(d) Any Category A or Category B company that, for any year beginning with calendar year 1993, for which the annual statement is due on March 1, 1994, is not exempted under

paragraph (c) of this subsection shall be required to submit a statement of actuarial opinion in accordance with rule 4-138.046 of this part for the year for which it is not exempt.

(e) Any Category C company that, after submitting an opinion in accordance with rule 4-138.046 of this part, meets all of the following criteria shall not be required, unless required in accordance with paragraph (f) below, to submit a statement of actuarial opinion in accordance with rule 4-138.046 of this part more frequently than every third year. Any Category C company which fails to meet all of the following criteria for any year shall submit a statement of actuarial opinion in accordance with rule 4-138.046 of this part for that year. The ratios in 1., 2., and 3. below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

1. The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .05.

2. The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .50.

3. The ratio of the book value of the medium to lower quality obligations to the sum of the capital and surplus is less than .50.

4.a. The Examiner Team for the NAIC, in applying the criteria set forth in the NAIC's Annual Statement Instructions/Life, Accident and Health, ~~1998~~, and the NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, ~~1998~~ as adopted and incorporated by reference in rule 4-137.001(4) and in the NAIC's Financial Examiners Handbook (~~1998~~) as adopted and incorporated by reference in rule 4-138.001, has not designated the company as

i. a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or

ii. a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or

b. The company has resolved the first or second priority status to the satisfaction of the Department of Insurance of the state of domicile.

(f) Any company which is not required by this rule 4-138.044 to submit a statement of actuarial opinion in accordance with rule 4-138.046 of this part for any year shall submit a statement of actuarial opinion in accordance with rule 4-138.045 of this part for that year unless, pursuant to rule 4-138.044(3)(c), the Department requires a statement of actuarial opinion in accordance with rule 4-138.046 of this part.

(4) Large Companies. Every Category D company shall submit a statement of actuarial opinion in accordance with rule 4-138.046 of this part for each year, beginning with calendar year 1993, for which the annual statement is due on March 1, 1994.

Specific 624.308(1), 625.121(3)(a) FS. Law Implemented 624.316(1)(c), 624.424(1), 625.121(3) FS. History—New 5-18-93, Amended 2-16-94, 4-9-97,

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Actuary, Insurer Services, Bureau of Life and Health Insurer Solvency & Market Conduct, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michelle Newell, Chief, Bureau of Life & Health Insurer Solvency, Insurer Services, Department of Insurance

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

RULE TITLE: Adoption of Federal Regulations and Other Standards

RULE NO.: 5K-4.002

PURPOSE AND EFFECT: The rule provides regulatory guidelines for the safe and sanitary operation of food establishments.

SUMMARY: This rule amendment adopts the Food and Drug Administration 1999 "Food Code" and updates refrigeration standards.

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: 500.09, 500.12(1)(f), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.11, 500.12, 500.13 FS.

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

TIME AND DATE: 10:00 a.m., September 28, 1999

PLACE: Agriculture Environmental Services Conference Room, Lab 8, 3125 Conner Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. H. Wayne Derstine, Environmental Administrator, Bureau of Food and Meat Inspection, 3125 Conner Blvd., Tallahassee, FL 32399-1650, Telephone (850)488-3951

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.002 Adoption of Federal Regulations and Other Standards.

(1) No change.

~~(2) Retail Food Store Sanitation.~~

~~(a) The purpose of this rule is to adopt sanitation criteria, standards and requirements for retail food stores that protect foods during storage and display, and provide the public safeguards against purchase of unsafe or unwholesome foods.~~

~~(b) The provisions and requirements of Part 1, Chapters 1 through 7 of the "Model Retail Food Store Sanitation Code," jointly published in 1982 by the Association of Food and Drug Officials and the Food and Drug Administration, are hereby adopted by reference as rules under Chapter 500, F.S., and a copy is filed herewith. Interested persons may obtain copies of this code by contacting the Association of Food and Drug Officials, Post Office Box 3425, York, PA 17402, and copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, Tallahassee, Florida.~~

~~(c) The 1984 supplemental provisions and requirements to Chapters 1 through 7 of the "Model Retail Food Store Sanitation Code" relating to customer self service of unpackaged (bulk) food are hereby adopted by reference as rules under Chapter 500, F.S., and a copy is filed herewith. Interested persons may obtain copies by contacting the Association of Food and Drug Officials, Post Office Box 3425, York, PA 17402, and copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, Tallahassee, Florida.~~

~~(2)(3) No change.~~

~~(4) Food Service Sanitation.~~

~~(a) The provisions and requirements of the United States Department of Health, Education and Welfare Publication No. (FDA) 78-2081 (Rev. June, 1978), Food Service Sanitation Manual, Part IV, Chapters One through Nine, are hereby adopted by reference as rules under Chapter 500, F.S. Interested persons may obtain copies of this publication by contacting the U.S. Government Printing Office. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, Tallahassee, Florida.~~



(b) The term "extensively remodeled" as used in the above referenced publication is defined as "structural changes to existing establishments which cost in excess of 50% of the assessed value to the facility as determined by the county property appraiser."

(c) ~~The requirements and sanitation criteria of this rule apply to all food service activity within and associated with food establishments and retail food stores permitted and inspected by the department.~~

(3)(5) No change.

(4)(6) Food Code – Provisions Adopted Temperatures – Revision.

(a) Chapters 1-7 Sections 3-202.11, 3-401.11 through 3-401.15, 3-402.11, 3-403.11, and 3-501.12 through 3-501.16 of the "Food Code 1999 1995" published by the U.S. Public Health Service of the U.S. Department of Health and Human Services (1999 Sept. 1995), are hereby adopted by reference as a rules under Chapter 500, F.S., except for the following provisions:

1. 1-201.10(B)(31), (32), (87)
2. 2-102.11
3. 3-304.14(B)(2)
4. 5-203.11(C)
5. 5-402.12
6. 6-202.110

All provisions in the "Food Code 1999" that are adopted herein by reference shall apply to all food establishments regulated by the Florida Department of Agriculture and Consumer Services. Interested parties may obtain copies of this publication by contacting the U. S. Government Printing Office. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Room 289, Tallahassee, Florida 32399-1650. These sections supersede the provisions regarding food temperatures found in the United States Department of Health, Education and Welfare Publication No. (FDA) 78-2081 (Rev. June, 1978), Food Service Sanitation Manual and the "Model Retail Food Store Sanitation Code," jointly published in 1982 by the Association of Food and Drug Officials and the Food and Drug Administration, previously adopted by reference.

(b) Existing mechanical refrigeration units which are being utilized to maintain potentially hazardous food at 7°C (45°F) or below and are otherwise in good repair shall have until September 8, 2002, 5 years from the effective date of this rule to comply with the requirements of 5°C (41°F) or below as stated in section 3-501.16 of the "Food Code 1999". Mechanical refrigeration units in new and extensively remodeled food establishments as of the effective date of this rule are required to maintain foods at 5°C (41°F) or below as stated in section 3-501.16 of the "Food Code 1999". When a mechanical refrigeration unit must be replaced, the

replacement unit must comply with temperature requirements of 5°C (41°F) or below for potentially hazardous food. The term "extensively remodeled" as used in this rule means "structural changes to an existing food establishment which cost in excess of 50% of the assessed value of the establishment as determined by the county property appraiser".

(5) Other Standards

(a) Cloths used for wiping food spills on food-contact surfaces of equipment shall be clean and rinsed frequently in an approved sanitizing solution as defined in 21 CFR 178.1010. Cloths used for wiping food spills on food-contact surfaces shall be used for no other purpose. The cloths shall be stored in the sanitizing solution between uses.

(b) Cloths used for cleaning non-food-contact surfaces shall be clean and rinsed frequently in an approved sanitizing solution as defined in 21 CFR 178.1010. Cloths used for cleaning non-food-contact surfaces shall be used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

Specific Authority 500.09, 500.12(1)(f), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.11, 500.12, 500.13 FS. History-Revised 3-1-72, Amended 12-31-74, 1-18-83, 6-17-85, Formerly 5E-6.02, Amended 7-25-88, 4-13-92, Formerly 5E-6.002, Amended 8-8-95, 9-9-96, 12-10-96, 4-10-97, 9-8-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: H. Wayne Derstine, D.V.M., Environmental Administrator, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, FL 32399-1650

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Marion Fuller, Director, Division of Food Safety, 3125 Conner Blvd., Tallahassee, FL 32399-1650

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 1999

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

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Targeted Value-Added Promotions	
Program for Fresh Grapefruit	20-48
RULE TITLES:	RULE NOS.:
Purpose of Program	20-48.001
Participant Eligibility	20-48.002
Product Eligibility	20-48.003
Allocation; Disbursement of Funds	20-48.004
Program Requirements	20-48.005
Qualification of Advertising/Merchandising	20-48.006
Targeted VAP Performance Formula	20-48.007
Proof of Performance; Claim for Payment	20-48.008
Failure to Perform under Targeted	
VAP Agreement	20-48.009
Program Evaluation	20-48.010

PURPOSE AND EFFECT: Would revise the Targeted Value-Added Promotions program for the 1999-2000 citrus season in accordance with recommendations of the Targeted Value-Added Promotions Program Subcommittee.

SUMMARY: Revises the Targeted Value-Added Promotions program for the 1999-2000 citrus season.

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

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

SPECIFIC AUTHORITY: 601.15 FS.

LAW IMPLEMENTED: 601.15 FS.

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

TIME AND DATE: 10:30 a.m., October 27, 1999

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-48.001 Purpose of Program.

The program is designed to help improve grower returns through increased FOB pricing by providing support to Florida citrus shippers, sales agencies and growers' cooperatives that wish to establish agreements with targeted retailers for the advertising and merchandising of fresh Florida grapefruit taxed under section 601.15(3), Florida Statutes.

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97, Amended 12-6-98, Repromulgated.

20-48.002 Participant Eligibility.

(1) By definition, a "participant" in this program must be a licensed and registered fresh fruit shipper, sales agency or growers' cooperative, engaged in the shipment of fresh Florida grapefruit to domestic (U.S. only) retail markets.

(2) Brokers shall not be eligible to participate in this program.

(3) To participate, a shipper must fill out and return to the Department, by August 20 ~~7~~, a Targeted VAP Sign-Up Form CIT/MKTG/150/EFF. 8/1/99 ~~8/4/98~~, incorporated herein by reference, which will be made available to all eligible shippers by the Department of Citrus.

(4) Shippers wishing to assign their allocated program dollars to a licensed and registered sales agency or growers' cooperative must fill out and return to the Department by August 20 ~~7~~, a Targeted VAP Delegation Form

CIT/MKTG/151/EFF. 8/1/99 ~~8/4/98~~, incorporated herein by reference, which will be made available to all eligible shippers by the Department of Citrus; the Delegation form may serve in lieu of the Sign-Up form.

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97, Amended 12-6-98, Repromulgated.

20-48.003 Product Eligibility.

Only the advertising and merchandising of Florida-grown grapefruit which enters the primary channel of trade for use in fresh form, and upon which excise taxes have been paid pursuant to Section 601.15, Florida Statutes, will qualify under this program.

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97, Amended 12-6-98, Repromulgated.

20-48.004 Allocation; Disbursement of Funds.

(1) Funds prorated for non-commodity programs for fresh grapefruit shall be set aside by the Department of Citrus each shipping season. Such funds shall be used to reward supermarket retailers in the U.S. only – on a per-carton basis – for promotional support of fresh Florida grapefruit.

(2) The Department of Citrus shall establish Targeted VAP participant appropriations by August 31 ~~21~~.

(3) Targeted VAP dollars to the participant shall be allocated based on the percentage of total domestic (U.S. only) shipments of grapefruit the participant shipped during the prior year, but in no case shall it be less than \$5,000 ~~\$4,000~~ per said participant. A participant who does not have a prior year record shall receive an allocation of \$5,000 ~~\$4,000~~.

(4) By October 25 of each program year, the Department of Citrus shall survey program participants asking them to declare their intent to use allocated funds. Participants intending to use their allocated funds shall further indicate to the Department if they plan to use the funds in a cooperative venture with another entity, or request that the Department execute the plan on the supplier's behalf through Department of Citrus field merchandising staff directly with retailers of participants choice.

(5)(4) Prior to January February 15 of each program year, the Department of Citrus shall survey program participants as to whether or not they intend to use uncommitted program funds; at that time program participants may elect to reassign uncommitted funds into generic Department of Citrus programs, effective February March 1.

(6) If, by June 1 of each program year, participant has utilized 80% or more of their allocated funds, they will not be adjusted the following season. If, on June 1, participant has used less than 80% of their funds, they will be capped at that level for the following season.

(7)(5) The participant shall be responsible for one-fourth the cost of each individual advertising promotion. The Florida Department of Citrus shall be responsible for the remaining three-fourths, so long as net claims for such costs are not in

excess of participant's allocation. Participant contributions to the advertising programs must be forwarded to Department before payment is made to the retailer. Payment will be forwarded by the Department directly to the participant's designated retail customer.

(8) Participant will not be responsible for matching funds on media promotions. Payment will be made by the Department directly to the retailer involved for demonstration promotions scheduled at participant's request. Demo programs must be scheduled in conjunction with Department media programs in selected markets.

(9)(6) All claims must be submitted and filed with the Department no later than July 31 of each shipping season and must include pre and post promotion FOB pricing and movement, and an explanation of the volumetric variance when movement during promotion period was significantly less than anticipated on Participant's commitment form. Claims that are incomplete or otherwise late will be rejected by the Department with written notification to the participant.

(10)(7) Implementation of this program is subject to the appropriation of funds for use in this program.

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97, Amended 12-6-98,\_\_\_\_\_.

20-48.005 Program Requirements.

A Targeted VAP may be established in one of two ways:

(1) The shipper establishes a promotional agreement directly with a retailer, including the details of how and when the fruit will be promoted.

(2) The shipper authorizes a Department of Citrus representative to establish a promotion on the shipper's behalf. If a shipper chooses this option, the Department of Citrus representative must be given sufficient lead time to establish promotions. For all promotions established by a Department of Citrus representative involving an ad, the Department representative must be given a minimum of 21 days lead time; ~~to establish in-store promotions (without an ad), a minimum of 10 days must be given.~~

(3) Upon establishing a promotional agreement with a retailer, the shipper will notify the Department of Citrus by submitting the appropriate Targeted VAP Agreement Form.

(a) Targeted VAP Promotional Agreement Form CIT/MKTG/152/EFF. 8/1/99 8/1/98 for an advertising promotion, or

(b) Targeted VAP Agreement Form CIT/MKTG/153/EFF. 8/1/99 for a media/demo promotion, incorporated herein by reference, to the Department of Citrus Lakeland office VAP Administrator ~~and the Department of Citrus representative in the pertinent market.~~ All promotions established by participant require 10 days lead time.

(4) If retailer commits to the program with a participant, the retailer must use that participant every week during the promotion period. The retailer shall not set up another

Targeted VAP with a different participant during that promotion period. An exception to this rule could be made if program participant can find a way to legally co-op their resources. Under such circumstances, participants could defer promotional exclusivity under the program by indicating that a given promotional agreement is open to participation from other shippers. In such instances, the participant would be restricted from awarding the retailer funds for volume beyond which was committed to under the original agreement.

(5) Individual promotions shall run for not more less than two (2) one (1) weeks.

(6) No promotion shall begin until the retailer has signed a Targeted Value-Added VAP Promotional Program Agreement Form (CIT/MKTG/149, REV. 8/1/99).

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97, Amended 12-6-98,\_\_\_\_\_.

20-48.006 Qualification of Advertising/Merchandising.

(1) Minimum Targeted VAP advertising/merchandising activity requirements:

~~(a) Expanded grapefruit display (end cap or secondary table) with no ad, or~~

~~(a)(b) Line ad + expanded display (end cap or secondary table), or~~

~~(b)(c) Feature ad + expanded display (end or secondary table) + visual sampling.~~ Feature ad must include the Florida Sunshine Tree or Florida Citrus Growers symbol and either the American Heart Association Heart Check logo or with at least one of the following Department of Citrus approved value-added messages:

1. High in vitamin C
2. Rich in dietary fiber
3. Source of potassium
4. Significant source of folate
5. Cholesterol free and fat free

(2) To help build the value of a Targeted VAP, a retailer can agree to provide promotional support beyond the minimum requirement. Optional promotion elements include:

- (a) Promoting bagged grapefruit
- (b) Graphic bins or front lobby displays
- (c) Multi-unit pricing (beyond the \$1 mark) on bulk/loose grapefruit ±

~~(d) Gross margin <20% – retailer's cost versus featured price – the% difference between the shipper FOB prices and the price the retailer will feature the product~~

~~(e) Quarter page "feature" ad~~

(3) Promotions may be established to tie-in with Department media scheduled in selected markets. Only the following types of promotions are eligible for Targeted VAP funds in these media markets:

- (a) Demonstration/sampling programs
- (b) Graphic grapefruit bin use

(c) Bagged grapefruit promotion

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97 Amended 12-6-98,\_\_\_\_\_.

20-48.007 Targeted VAP Performance Formula.

(1) Targeted VAP dollars for advertising are based on the following formula:

Program Cost: # of cartons x Total \$ per carton (maximum \$.50) = \$ \_\_\_\_

(2) Value of each required promotional/advertising activity shall be awarded as follows:

(a) ~~Expanded display (end cap or secondary table).....\$.10 per carton~~

(a)(b) Line ad + expanded display (end cap or secondary table).....\$.10 \$.15 per carton

(b)(c) Feature ad + expanded display (end cap or secondary table) + ~~visual sampling~~ .....\$.25 per carton

(3) Value earned for optional promotion activities:

(a) Gross margin <20% of retail price + multi-unit pricing (beyond the \$1 mark) on bulk loose citrus .....\$.10 \$.15 per carton

(b) Graphic bins or front lobby displays.....\$.25 \$.40 per carton

(c) Multi-unit pricing (beyond the \$1 mark) on bulk/loose citrus .....\$.10 per carton

(c)(d) Promoting bagged citrus .....\$.25 \$.40 per carton

(e) Quarter-page "feature" ad.....\$.10 per carton

(4) There is a promotional spending cap of \$.50 per carton under the Targeted VAP program for media promotions. The cap does not apply to Targeted VAP funds for ~~display contests~~ or demo support; those funds can be rewarded to retailers as follows:

(a) ~~For display contests, retailers shall be paid \$.25 per participating store, with a cap of \$5,000 on the cost of a given promotion.~~

(a)(b) For demo support, retailers shall be reimbursed for actual cost associated with the demo activity with a cap of \$5,000 on the cost of a given promotion.

(b) Graphic bin use.....\$.50 per carton

(c) Bagged grapefruit promotion.....\$.50 per carton

A cap of \$.50 per carton will apply to graphic bin and bagged grapefruit media promotions.

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97, Amended 12-6-98,\_\_\_\_\_.

20-48.008 Proof of Performance; Claim for Payment.

Claims shall be in sufficient detail to allow for proper post-audit and pre-audit thereof. Upon completion of a promotion the appropriate Department of Citrus field representative shall compile and submit to the Department of Citrus documentation for proof of performance, including:

- (1) Tear sheets of each ad; and
(2) Photos or retailer sales planners; and

(3) Copy of load invoice from shipper, or a properly executed volume confirmation form

(4) Demo invoice detailing number of stores participating and cost/store, with signed demo reports for each participating store.

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97, Amended 12-6-98,\_\_\_\_\_.

20-48.009 Failure to Perform Under Targeted VAP Agreement.

If participant and/or retailer fails to perform in accordance with Targeted VAP Agreement or otherwise fails to properly file claim, Department shall notify participant that claims will be reduced to reflect actual performance.

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97, Repromulgated 12-6-98,\_\_\_\_\_.

20-48.010 Program Evaluation.

The Targeted VAP Program will be subject to periodic review by the Department of Citrus to ensure that it is effectively fulfilling the purpose for which it was established.

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97, Repromulgated 12-6-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clark R. Jennings, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Clark R. Jennings, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

DEPARTMENT OF CORRECTIONS

Table with 2 columns: RULE TITLES and RULE NOS.: Administrative Confinement 33-3.0081, Protective Management 33-3.0082, Disciplinary Confinement 33-3.0084, Special Management Meal 33-3.0085

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is as follows: clarifies the process and criteria for placing inmates into each confinement status; specifies how often inmates in confinement must be checked and by whom; provides procedures to be followed when confinement inmates exhibit self-destructive behavior; provides for issuance of a modesty garment when it is necessary to take an inmate's clothes; and revises language concerning conditions of confinement for consistency throughout.

SUMMARY: The proposed rules clarify and strengthen requirements concerning administration of protective management, administrative and disciplinary confinement units and provide consistency among these rules. The proposed amendments specifically address the treatment of inmates

exhibiting self-destructive or mentally disordered behavior, exercise for inmates in confinement and assignment of officers to confinement units.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 945.04 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: 9:00 a.m., October 5, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 33-3.0081 follows. See Florida Administrative Code for present text.)

33-3.0081 Administrative Confinement.

(1) Description of Administrative Confinement. Administrative confinement is the temporary removal of an inmate from the general inmate population in order to provide for security and safety until such time as more permanent inmate management processes can be concluded.

(2) Administrative confinement is a temporary confinement status that may limit conditions and privileges as provided in subsection (8) as a means of promoting the security, order and effective management of the institution. Otherwise the treatment of inmates in administrative confinement shall be as near to that of the general population as assignment to administrative confinement and the administrative confinement housing area will permit. Any deviations shall be fully documented as set forth in the provisions of this rule.

(3) Definitions.

(a) Area housing supervisor – the correctional officer sergeant, or above, who is in charge of the confinement unit for a particular shift.

(b) Clinical health care personnel – physician, clinical associate, nurse, CMTC, psychologist or psychological specialist.

(c) Institutional Special Review Team – a team consisting of the assistant superintendent, the correctional officer chief, the classification supervisor, or alternate staff members as

appointed by the superintendent. Alternate staff members must be at the rank of lieutenant or above for security, or correctional probation officer level or above for classification. This team is responsible for assessing inmate protection issues.

(d) Investigating official – the person in charge of the investigation of the circumstances concerning the inmate's confinement. This person must be a shift supervisor, institutional inspector, or classification supervisor or above. The investigating official is authorized to assign others of lesser rank to conduct the investigation.

(e) Senior correctional officer – a correctional officer lieutenant or above.

(f) Special risk inmate – any inmate who has demonstrated behavior that is or could be harmful to himself or herself.

(4) Procedures for Placement in Administrative Confinement.

(a) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment to include a physical and mental health evaluation that shall be documented in the health care record. When an official places an inmate in administrative confinement, this action shall be documented on a Report of Administrative Confinement, Form DC4-813(a), including the reasons for the action and a summary of the inmate's comments. The heading and Section I shall be completed by the official who placed the inmate in administrative confinement. This section shall fully state the circumstances surrounding and reasons for placing the inmate in administrative confinement. The reason shall correspond with one of the reasons for placement stated in subsection (5) of this rule. Once Section I has been completed, the official who placed the inmate in administrative confinement shall sign Section I and forward the report to classification prior to the end of his or her shift or workday.

(b) The actions of the official placing the inmate in administrative confinement shall be reviewed within 72 hours by a correctional probation officer (CPO). The CPO shall review the reasons and circumstances surrounding the placement of the inmate in administrative confinement and shall personally interview the inmate. If the review cannot be completed within 72 hours by the CPO due to holiday or weekend, a senior correctional officer, who was not the official who originally placed the inmate in administrative confinement, shall complete the review. The review completed by a senior correctional officer shall be documented on Form DC4-815, Daily Record of Segregation, and the CPO shall complete a review within two working days after the weekend or holiday. The CPO shall either concur with the placement of the inmate in administrative confinement or recommend the

release of the inmate. The CPO's action shall be documented in section II of the Report of Administrative Confinement, Form DC4-813(a). The CPO shall also document that the 72 hour review was completed by a senior correctional officer in section II of Form DC4-813(a), if necessary. If the CPO concurs with the placement of the inmate in administrative confinement, the DC4-813(a) does not need to be forwarded to the warden and shall be processed for filing. If the CPO recommends that the inmate be released from confinement, the DC4-813(a) shall be forwarded to the warden or assistant warden for a final decision. The warden's or assistant warden's decision shall be documented in section III of Form DC4-813(a). The completed DC4-813(a) shall be forwarded to classification for filing.

(5) Reasons for Placement in Administrative Confinement with time limits. Placement of an inmate in administrative confinement is authorized for the following reasons:

(a) Disciplinary charges have been filed and the inmate needs to be temporarily removed from the general inmate population in order to provide for security or safety until such time as the disciplinary hearing is held. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed seven working days unless the warden authorizes an extension. This extension shall be documented on Form DC4-815.

(b) Outside charges are pending against the inmate and the presence of the inmate in the general population would present a danger to the security or order of the institution. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed 20 working days. If it appears that an inmate should continue to be segregated from the general population beyond 20 working days, close management procedures can be initiated pursuant to chapter 33-38.

(c) An inmate shall be placed in administrative confinement pending review for resolving an inmate's request for protection from other inmates, (33-3.0082). An inmate shall be placed in administrative confinement by the senior correctional officer when the inmate presents a signed written statement alleging that he fears for his safety in open population from other inmates and that he feels there is no other reasonable alternative open to him. A senior correctional officer shall also place an inmate who may need protection into administrative confinement pending review for protective management based on evidence that such a review is necessary. The senior correctional officer shall encourage the inmate to provide information and otherwise cooperate with efforts by the institution to investigate the matter and eliminate

any danger to the inmate. The protection process including the warden's action shall be completed within 15 working days from the initial confinement of the inmate.

1. The institutional special review team shall initiate an investigation to gather information. A member of the special review team shall complete the heading and section IA of the DC4-868, Report of Protective Management. The team member shall utilize the documentation in the DC4-813(a), Report of Administrative Confinement, for the information necessary to complete this portion of the report. The report shall then be forwarded to the investigative official assigned to investigate the reasons for protection. The investigator shall complete Section IB of the report and return it to the special review team.

2. If the inmate submits a request for release in writing at any time during a review for protection process that was initiated by the inmate, a member of the special review team shall interview the inmate as soon as possible and shall have the inmate complete Form DC6-203, Protection Waiver/Appeal Decision Form. The special review team shall release the inmate from administrative confinement if it appears that the inmate does not need protection. If administrative confinement pending review for protection was imposed on the inmate, the process set forth in this rule shall continue until completed.

3. Once the investigation is complete, the institutional special review team shall hold a hearing with the inmate to determine whether the inmate should be released to open population. The team shall review all documentation available concerning the need for protection to include any written statements submitted by the inmate. The team shall document its findings and recommendations on the Report of Protective Management, Form DC4-868. The following elements shall be considered in determining whether protective management is necessary:

- a. A record of having been assaulted;
- b. A reputation among the inmate population, attested to in writing by staff, as an informant or trial witness;
- c. Verified threats, verbal abuse, or harassment;
- d. A former criminal justice activity resulting in verified threats, verbal abuse, or harassment;
- e. A conviction of a crime repugnant to the inmate population;
- f. Reliable, confirmed evidence of sexual harassment;
- g. Other factors such as physical size, build and age producing a risk from the general inmate population.

4. The team shall submit its findings and recommendations to the warden on the Report of Protective Management, DC4-868. The warden shall determine whether protective management or some other alternative measure is necessary based on the facts within 15 working days from the date of initial confinement. If the warden determines that protection is necessary, the inmate shall be placed in protective

management at that facility or another or shall be recommended for a transfer to resolve the inmate's need for protection. The final action shall be documented on the Report of Protective Management, DC4-868. In the event of transfer or placement into protective management, the DC4-868 need not be submitted to the regional director. In the event the warden determines that protection is not appropriate and recommends that the inmate return to the general population, the DC4-868 shall be forwarded to the regional director.

5. The regional director shall determine within five working days whether protection is necessary based upon the investigation and any follow-up he or she deems appropriate. The regional director shall approve or disapprove placement of the inmate in protective management. The regional director's decision shall also be documented on the Report of Protective Management and this report shall be returned to the institution. If the regional director determines that a need for protection exists, he or she will indicate in the Report of Protective Management that the inmate shall be placed in a protective management unit or transferred, whichever is appropriate. If the regional director determines that protective management is not necessary, the inmate may appeal this decision directly to the Office of the Secretary pursuant to 33-29.007 and 33-29.011. The inmate shall be notified of the regional director's decision and this notification shall be documented on the Report of Protective Management, DC4-868. At the time of notification, the inmate will be asked if he or she wants to appeal the decision. The inmate's decision on whether or not to appeal shall be documented on DC6-203, Protection Waiver/Appeal Decision Form. The inmate shall remain in administrative confinement until the appeal process is complete.

6. Within three working days after an inmate has been approved for protective management, a determination shall be made as to appropriate housing. The inmate shall remain in administrative confinement until this decision is made. If a decision is made to transfer the inmate, the inmate shall be kept in administrative confinement until the transfer is completed. Transfers for protection needs shall be completed within five working days. Regional directors are authorized to make intra-regional transfers.

(d) An investigation, evaluation for change of status or transfer is pending and the presence of the inmate in the general population might interfere with that investigation or present a danger to the inmate, other inmates, or to the security and order of the institution. An investigating officer shall have the authority to request that the senior correctional officer place the inmate in administrative confinement for this reason and the length of time spent in this status shall not exceed 15 working days unless one 10 day extension is granted by the warden. This extension shall be documented on the Daily Record of Segregation, DC4-815. If it is necessary to continue the inmate's confinement beyond this first extension, written

authorization must be obtained from the regional director for a 30 day extension. This authorization shall be attached to the DC4-815. The regional director shall have the authority to authorize additional 30 day extensions as necessary. Examples of circumstances for placing an inmate in administrative confinement for this reason include:

1. Pending an evaluation for placement in close management.

2. Special review or some type of disciplinary or management transfer. Transfers for this reason shall be given priority.

3. Pending an investigation into allegations that the inmate is in fear of a staff member. The protection process outlined in subsection (c) above shall not be utilized for this purpose.

4. Any other reason when the facts indicate that the inmate must be removed from the general inmate population for the safety of any inmate or group of inmates or for the security of the institution.

(e) Mental health reasons. Clinical health care personnel shall have the authority to place an inmate in administrative confinement for this reason and the length of time spent in this status shall not exceed five calendar days.

(f) When an inmate is received on transfer from another institution and there is not sufficient time to review the inmate file and classify the inmate into general population. A senior correctional officer or above has the authority to place an inmate into administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed two working days. If the initial review suggests that a further investigation is necessary prior to release, the inmate's status can be changed to pending investigation.

(6) Review of Administrative Confinement.

(a) A correctional probation officer shall review inmates in administrative confinement every week. If an inmate is confined for more than 30 days, a formal assessment and evaluation report shall be required. Such reports may be in a brief paragraph form detailing the basis for confinement, what has transpired since the last report, the decision concerning continued confinement and the basis for that decision. The classification supervisor and the warden or the assistant warden shall approve such reports. The goal of the correctional probation officer shall be toward returning the inmate to open population as soon as the facts of the case suggest that this can be safely accomplished.

(b) Inmates shall be weighed upon admission to the confinement unit. Inmates confined for 30 days or more shall be weighed after 30 days and weekly thereafter. The weight of the inmate shall be recorded on Form DC4-815, Daily Record of Segregation.

(c) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological assessment by appropriate mental health staff to determine his mental

condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the warden with the facts of the case. The warden shall then make a final decision regarding continuation of confinement. All such assessments shall be documented in the mental health record. If the decision is to continue confinement and that confinement extends beyond 90 days, a new psychological assessment shall be completed each 90-day period.

(d) Inmates in administrative confinement shall receive a personal contact a minimum of:

1. Daily by a clinical health care person.

2. As frequently as necessary, but not less than weekly, by a correctional probation officer to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.

3. Weekly by the chaplain. More frequent visits shall be made upon request of the inmate if the chaplain's schedule permits.

(e) A documented visual health and welfare/security check shall be made of all inmates in administrative confinement:

1. Daily by the area housing supervisor.

2. At least every 30 minutes by a correctional officer, but on an irregular schedule.

(f) Administrative housing areas will be visited:

1. Daily by the officer-in-charge on duty for all shifts except in case of riot or other institutional emergency.

2. Daily by the correctional officer chief (when on duty at the facility) except in case of riot or other institutional emergency.

3. Weekly by the warden and assistant wardens.

(g) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC4-815 and followed with an Incident Report, Form DC3-301.

(7) Administrative Confinement Facilities.

(a) The number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. Exceptions may be made during an emergency situation as approved by the warden, but such exceptions shall not continue for more than 24 hours without the specific

authorization of the regional director. Prior to placing inmates in the same cell, a determination shall be made that none of the inmates constitute a threat to any of the others.

(b) All administrative confinement cells shall be equipped with appropriate toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. In such event, the inmate occupant shall be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC4-815, Daily Record of Segregation.

(c) Prior to placement of an individual in an administrative confinement cell, it shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell shall then be held responsible for the condition of the cell.

(d) The administrative confinement cells shall be physically separate from disciplinary confinement cells, whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in administrative confinement. Administrative confinement cells shall be built to permit verbal communication and unobstructed observation by the staff.

(8) Restraint and Escort Requirements.

(a) Prior to opening any cell for any purpose, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, escort officers shall be particularly vigilant.

(b) A minimum of two officers shall be physically present at the cell whenever the cell door is opened.

(c) When escorting an inmate from a cell, the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other appropriate restraint devices shall be applied.

(d) After the required restraints are applied, the inmate has been thoroughly searched, and the cell door has been secured, the second officer is authorized to leave the area.

(e) If two inmates are being escorted from the same cell, both inmates can be escorted at the same time provided that the second officer remains to escort the second inmate and no other movement is occurring on the wing. During all other situations, only one inmate at a time shall be escorted on each confinement wing.

(9) Conditions and Privileges.

(a) Comfort Items – Inmates in administrative confinement shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in administrative confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in



administrative confinement are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the Daily Record of Segregation, Form DC4-815, which must be reviewed by the correctional officer chief. Property receipts shall be given for any personal property removed. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, internal and external feminine hygiene products for women, and toilet tissue.

(b) Personal Hygiene – Inmates in administrative confinement shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. At a minimum each inmate in confinement shall shower three times per week and on days that an inmate works.

2. Male inmates shall be required to shave at least three times per week. Hair care shall be the same as that provided to and required of the general population inmates.

(c) Correspondence – Inmates in administrative confinement shall have the same opportunities for correspondence that are available to the general inmate population.

(d) Visiting – All visits for inmates in administrative confinement must be approved in advance by the warden or his designee. Requests for inmates in administrative confinement to visit shall be in writing to the warden. Those inmates who are a threat to the security of the institution shall be denied visiting privileges. Attorney-client visits shall not be restricted except on evidence that the visit would be a threat to security or order.

(e) Legal Access – Legal materials shall be as accessible to inmates in administrative confinement as to inmates in general population as long as security concerns permit. An inmate in confinement may be required to conduct legal business by correspondence rather than a personal visit to the law library if security requirements prevent a personal visit. However, all steps shall be taken to ensure the inmate is not denied needed access while in confinement. Although the inmate may not be represented by an attorney at any administrative hearing, access shall be granted for legal visits at any reasonable time during normal business hours to the inmate's attorney or aide to that attorney. Inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and shall not be permitted in confinement cells.

(f) Reading materials and other privileges shall be permitted on an individual basis for those inmates in administrative confinement. Safety, sanitation and security factors shall be considered when making such decisions.

(g) Library Services – Only one book at a time may be checked out. Books may be checked out once weekly.

(h) Inmates shall be allowed to retain personal property including stamps, watches, rings and health and comfort items unless there is a indication of a security problem, in which case removal of any item shall be documented on Form DC4-815 and a property receipt issued.

(i) Diet – All inmates in administrative confinement shall receive normal institutional meals as are available to the general inmate population except that if any item on the normal menu might create a security problem in the confinement area, then another item of comparable quality shall be substituted. Substitutions shall be documented on the Daily Record of Segregation, Form DC4-815.

(j) Counseling Interviews – Inmates in administrative confinement may be removed from their cells to attend any counseling session when there is no security problem involved.

(k) Clothing and Bedding.

1. Inmates in administrative confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC4-815 and approved by the correctional officer chief. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty shroud/garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC4-815. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. Bedding and linen for those in administrative confinement shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift officer in charge or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC4-815 and the chief correctional officer shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(l) Telephone – Telephone privileges are allowed for emergency situations, when necessary to ensure the inmate's access to courts, or in any other circumstance when a call is authorized by the warden.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC4-815. The warden or

assistant warden is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. A document detailing an in-cell exercise plan will be provided to the affected inmate at the beginning of any period of exercise restriction and shall be documented on Form DC4-815. Medical restrictions can also place limitations on the exercise periods. Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution.

(n) Canteen Items.

1. Inmates in administrative confinement shall be allowed to make canteen purchases once every other week. Items sold to administrative confinement inmates shall be restricted when reasonably necessary for institutional safety and security.

2. Inmates in administrative confinement shall be allowed to purchase a maximum of four canteen food items. In making this determination, it is the number of food items that is counted, not the type of item. For example, three packages of cookies counts as three items, not one item.

3. Inmates in administrative confinement shall be allowed to purchase a maximum of five non-food canteen items. In making this determination, with the exception of stamps and notebook paper, it is the number of non-food items that is counted, not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

(o) Writing utensils. Inmates in administrative confinement shall possess only security pens, with a possession limit of four pens. Other types of pens shall be confiscated and held until the inmate is released from administrative confinement status. A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances.

(10) Administrative Confinement Records.

(a) A Report of Administrative Confinement, Form DC4-813(a), shall be kept for each inmate placed in administrative confinement. A photocopy of the DC4-813(a), with section I completed, shall be kept in administrative confinement with the other confinement records for each inmate. Upon completion of the DC4-813(a), the white copy of the form will be mailed to central office to be filed in the central office inmate record and the yellow copy will be filed in the institutional inmate record.

(b) An Inspection of Confinement Record, Form DC4-814, shall be maintained in each administrative confinement area. Each staff person shall sign such record when entering and leaving the confinement area. Prior to leaving the confinement area, each staff member shall indicate any specific problems including any inmate who requires special attention. Upon completion, the DC4-814 will be maintained in the housing area and forwarded to the correctional officer chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule.

(c) A Daily Record of Segregation, Form DC4-815, shall be maintained for each inmate as long as he is in administrative confinement. The DC4-815 shall be utilized to document any and all activities, including cell searches, any items removed, showers, recreation, haircuts and shaves. If items that inmates in administrative confinement are not normally prohibited from possessing are denied or removed from the inmate, the shift officer-in-charge or the confinement lieutenant must approve the action initially. The items denied or removed will be documented on Form DC4-815 and the chief correctional officer will make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The supervising officer will make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action will also be noted. The DC4-815 shall be maintained in the housing area for one week, at which time the form will be forwarded to the warden for review. Once reviewed, these forms will be forwarded to classification to be filed in the institutional inmate record.

(d) A Protection Waiver/Appeal Decision Form, DC6-203, shall be completed for each inmate who requests to be released from administrative confinement pending protection prior to the completion of the protection process or when the inmate is notified that the regional director has denied protection. Upon completion, the DC6-203 shall be forwarded to classification to be filed in the institutional inmate record.

(e) The following forms are hereby incorporated by reference. A copy of any of these forms may be obtained from the Office of Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, a self-addressed stamped envelope must accompany the request.

1. Form DC4-813(a), Report of Administrative Confinement, effective date \_\_\_\_\_.

2. Form DC4-814, Inspection of Confinement, effective date 7-10-90.

3. Form DC4-815, Daily Record of Segregation, effective date 7-10-90.

4. Form DC6-203, Protection Waiver/Appeal Decision Form, effective date \_\_\_\_\_.

(11) Staffing Issues.

(a) Officers assigned to a confinement unit shall be rotated to another assignment every 18 months for a period of at least one year. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of any officer involved in eight or more use of force incidents in an 18 month period. The regional director will review the circumstances for possible reassignment.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, \_\_\_\_\_.

33-3.0082 Protective Management.

Protective management is not disciplinary in nature and inmates in protective management are not being punished and are not in confinement. The treatment of inmates in protective management shall be as near that of the general population as the individual inmate's safety and security concerns permit.

(1) through (2) No change.

(3)(a) The number of inmates housed in a housing unit shall not exceed the number of beds in the housing unit. Exceptions may be made during an emergency situation as approved by the warden, but such exceptions shall not continue for more than 24 hours without the specific authorization of the regional director or designee. Prior to placing inmates in the same housing unit, or cell where they are housed together or otherwise in direct contact with each other, an inquiry shall be made as to whether any of the inmates constitutes a threat to any of the others.

(b) through (c) No change.

(d) The protective management housing units shall should be physically separate from disciplinary confinement cells, whenever possible. Whenever such location is not possible, physical barriers shall should preclude the cross association of those on disciplinary confinement with those on protective management. Protective management housing units shall should be built to permit verbal communication and unobstructed observation by the staff.

(e) No change.

(4)(a) Inmates in protective management who do not receive out of cell time shall receive a personal contact a minimum of:

1. At least every hour by a correctional officer.

2. Daily by the officer-in-charge on duty for the day or evening shift, except in case of riot or other institutional emergency.

3. Daily by the correctional officer chief (when on duty at the facility) except in case of riot or other institutional emergency.

4. Weekly by the warden or assistant warden.

~~5.3.~~ Daily by a clinical health person representative of the medical department or daily sick call opportunity.

~~6.4.~~ Weekly by the chaplain. More frequent visits shall should be made upon request of the inmate, if the chaplain's schedule permits.

(b) No change.

(c) The institutional special review team shall cause a formal evaluation report to be prepared every 30 days on each inmate in protective management. The report shall be reviewed by the team shall review the report. Such reports may be in brief paragraph form stating the basis of the assignment, what has transpired since the last report, and any new facts relevant to the decision to continue protective management. Any inmate assigned protective management for more than 30 days shall be given a psychological assessment by appropriate mental health the professional staff to determine his mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the warden superintendent with the facts of the case. The warden superintendent shall then make a final decision regarding continuation of protective management. All such assessments shall be documented in the mental health record. If the decision is to continue protective management and that extends beyond 90 days, a new psychological assessment shall be accomplished each 90-day period.

(d) ~~For the purposes of this rule, "special management inmate" refers to~~ Any inmate who has demonstrated behavior that is or may be harmful to himself or herself shall be designated as a special risk inmate, other inmates, or staff, or who has become an extreme security risk. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where continuing observation is provided by a correctional officer or medical staff provide observation. Visual These checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650 until the inmate is no longer considered a special risk management inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC4-867 and followed with preparation of an Incident Report, Form DC3-301. Inmates who are assaultive or attempt to escape, damage property, or otherwise

~~become an extreme security risk shall be placed in a location, either in protective management or another designated area, where more frequent observation and checks can be made.~~

(5) Work assignments – within 10 days of the protective management determination, work opportunities consistent with medical grades shall be available to inmates in protective management during the day, evening or night hours. All inmates shall be provided the opportunity for work assignments regardless of medical grade except when precluded by doctor's orders for medical reasons. Work shall ~~may~~ be cancelled for an individual inmate or a work squad when staff concludes the work or work assignment would subject the inmate to danger or if adequate staff protection is not available. Each occurrence of work cancellation will be documented with reasons for the action and shall be reviewed by the warden superintendent or assistant warden superintendent the following day. Refusal of a work assignment shall result in disciplinary action pursuant to Chapter 33-22. Inmates who refuse work assignments will not be allowed other housing unit activities. Those who accept work assignments shall be subject to awards of gain time pursuant to rule 33-11.0065 in the same manner as general population.

(6) Inmates in protective management who are medically able to work and who work shall be afforded an opportunity for at least an additional 20 hours of out-of-cell time per week for activities. Each protective management unit shall have a dayroom or common area equipped in a similar manner as those for general population. Out-of-cell time includes ~~may consist of any of~~ the following activities:

(a) Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of two hours per week of exercise out of doors. ~~Exceptions to this requirement may be made when facts document that such exercise periods should not be granted.~~ The warden superintendent or assistant warden superintendent is authorized to ~~may~~ restrict exercise for an individual inmate when the inmate continues to pose a serious threat to the safety, security and order of the institution by recent demonstrations of violence, by continuing threats of physical harm, written or ~~and~~ spoken, toward staff and other inmates; by involvement in acts which seriously interfere with the staff's daily security functions; or by actions demonstrating an extreme escape risk. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for the shortest length of time to accomplish the goal of safety, security and order within the institution and shall be documented on Form DC4-867, Record of Protective Management. Medical restrictions may also place limitations on exercise periods. Similar recreational equipment shall be available as is available for general population inmates for the exercise period provided that such equipment does not compromise the safety or security of the institution.

(b) Religious activities – a weekly non-denominational service shall be held for protective management inmates in the chapel. This service shall ~~may~~ be held at the protective management housing unit if security reasons prevent chapel service. The chaplain shall arrange for religious consultations between inmates and outside volunteers, counsel with clergy and the opportunity to receive religious sacraments similar to that afforded to the general population when requested.

(c) Self-improvement programs or leisure activities shall be available in their housing area, or in separate locations within the institution that conform with the need for security. Self-improvement programs ~~Such program participation may~~ include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, television, quiet activities or letter writing. Inmates in protective management shall be permitted to make canteen purchases at least once per week either through a personal visit to the canteen or delivery. Inmates in protective management shall be allowed to visit the library and check out books at least once weekly, except as provided in 33-3.0082(7).

(d) Legal Access – inmates in protective management shall have access to the law library during evening or other hours when general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate law clerk. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided ~~appropriate~~ paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and will not be permitted in protective management housing units.

(e) No change.

(f) Visiting – A visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates to receive visits. A visiting time for protective management inmates shall be set aside in the visiting park either before or after visiting hours for general population inmates, during visiting hours if separate facilities for visitation are available, or on different days from the general population. Visiting shall ~~may~~ be limited by the warden superintendent or his or her designee when it is concluded that a threat to the inmate exists by allowing visitation in the visiting area or when supervision is ~~may be~~ limited. The warden is authorized to make e ~~Exceptions may be made~~ for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with 33-5.011 and shall not be restricted except on evidence that the visit would be a threat to security and order. ~~All visits must be approved in advance, by T~~ the warden superintendent or his or her designee must approve all visits in advance.

(g) Telephone – Inmates in protective management shall be allowed to make one call per week of at least 10 minutes, except at Florida State Prison. However, if telephones are

available in the dayroom, protective management inmates shall be allowed to make calls in the same manner as general population inmates. Calls shall be allowed at Florida State Prison and all other institutions; in emergency situations, when necessary to ensure the inmate's access to courts, or in any other circumstance when a call is authorized by the warden superintendent or assistant warden superintendent.

(h) Meals – Inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for the inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall may be served in the day room or the inmate's housing unit, ~~otherwise the inmate shall be expected to eat in the designated dining room.~~ Inmates in protective management shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu might create a security problem for a particular inmate, then another item of comparable quality shall may be substituted. ~~Other~~ Substitutions shall be documented on the Record of Protective Management, Form DC4-867.

(i) No change.

(7) No change.

(8) Conditions and Privileges.

(a) Comfort Items--Inmates in protective management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses, and hearing aids, ~~etc.~~, except when security requirements dictate otherwise. In the event that comfort items are taken from inmates in protective management, the senior correctional officer on duty shall be notified and must approve or disapprove the action taken. Action taken shall be documented ~~recorded~~ on the Record of Protective Management Form, DC4-867, which must be reviewed by the correctional officer chief. Property receipts shall be given for any personal property removed. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and internal and external feminine hygiene products ~~sanitary napkins~~ for women. Comfort items shall be the same as those provided general population inmates.

(b) No change.

(c) Inmates shall be allowed to retain personal property including stamps, a watch, a radio, a ring, authorized self-improvement and reading materials and similar health and comfort items as general population inmates unless there is an indication of a security problem, in which case removal or denial of any item shall be documented on Form DC4-867 and a property receipt shall be issued. All property retained by inmates must fit into the storage area provided, which shall be the same size as provided for general population inmates.

(d) Clothing – Inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall may be required ~~by staff~~ for work assignments. Otherwise the clothing for inmates in protective management shall be the same as that issued and exchanged to the general inmate population except when there is an indication of a security or health problem or when additional clothing is required for a work assignment. In such cases, when clothing is denied to an inmate it shall be noted on Form DC4-867, stating the reasons for such denial.

(e) No change.

(f) Other privileges will may be restricted on a daily case-by-case basis when such restrictions are necessary for the security, order or effective management of the institution. All such restrictions shall be documented on Form DC4-868 and reported to the warden superintendent. The warden superintendent is authorized to may restrict privileges on a continuing basis after a determination that such restrictions are necessary for the security, order, or effective management of the institution. The warden's decision for continuing restriction shall also be documented on Form DC4-867.

(g) Protective management inmates shall may be handcuffed or otherwise restrained when individual security concerns associated with that inmate require such action.

(h) No change.

(9) Whenever the inmate requests in writing, or the institutional special review team determines feel that the inmate could be returned to the open population or that a transfer could resolve the need for protection, the team shall document its findings and recommendations on a progress report. The team shall submit the progress report, along with the inmate's written statement, to the warden superintendent. The warden superintendent shall determine whether the inmate is to be released to open population or transferred. In cases where the regional director initially approved the protection needs, the progress report, with the warden's superintendent's comments will be forwarded to the regional director. In such cases, the regional director shall review the release recommendation. If the regional director approves the inmate shall be released from protective management.

(10) Protective Management Records.

(a) No change.

(b) An Inspection of Confinement Record, Form DC4-814, shall be maintained in each protective management area. Each Such record shall be signed by the staff person shall sign the record when entering and leaving the protective management area. Prior to leaving the protective management area, each the staff member will indicate any specific problems including any inmate who requires medical attention.

(c) A Record of Protective Management, Form DC4-867, shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC4-867 will be forwarded to

the warden for review. Once reviewed, these forms will be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks or disposition made on a specific inmate. Notations shall be made by medical staff, the special review team, or other staff dealing directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The items denied or removed will be documented ~~noted~~ on the Form DC4-867 and the chief correctional officer will make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The supervising officer will document ~~make a notation of~~ any unusual occurrences or changes in the inmate's behavior and any action taken, if necessary. Changes in housing location or any other special action will also be documented ~~noted~~.

(11) The following forms Form DC4-867 and DC4-868 are hereby incorporated by reference. The effective date of these forms is December 4, 1990. A copy of the forms may be obtained from the Adult Services Program Office of Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the form is to be mailed, a self-addressed envelope must accompany the request ~~must be accompanied by a self-addressed stamped envelope.~~

(a) Form DC4-867, Record of Protective Management, effective date December 4, 1990.

(b) Form DC4-868, Report of Protective Management, effective date \_\_\_\_\_.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 6-23-83, Formerly 33-3.082, Amended 3-12-84, 7-10-90, 12-4-90, 4-26-98, \_\_\_\_\_.

### 33-3.0084 Disciplinary Confinement.

#### (1) Confinement Facilities and Conditions.

(a) Cells. Inmates placed in disciplinary confinement should normally be placed in single cells. The confinement cells should be approximately the same square footage as utilized for general population inmates. Inmates will not be housed in disciplinary confinement cells in greater number than there are bunks in the cells. The only exception to this policy would be during an emergency situation as approved by the warden. However, if this exception exists in excess of twenty-four (24) hours, ~~then~~ the warden Superintendent must get specific authorization from the Regional Director to continue to house inmates in this manner.

1. All disciplinary confinement cells shall ~~will normally~~ be equipped with appropriate toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary. ~~The master control for the running water may be placed outside the cell in the event it becomes necessary to cut off running water in a cell due to misbehavior.~~ In such event, the inmate occupant will be

furnished an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC4-815, Daily Record of Segregation.

2. Prior to placement of an individual in a disciplinary confinement cell, it will be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell will then be held responsible for the condition of the cell.

3. Disciplinary confinement cells shall ~~should~~ be physically separate ~~located separately~~ from administrative confinement and protective management cells, whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in administrative confinement and protective management. Disciplinary confinement units shall be built ~~the general inmate population, but in a common area~~ to permit verbal communication and to allow for unobstructed observation by staff. Additionally, whenever possible, disciplinary confinement cells should be located separately from administrative and protective confinement cells and close management cells.

4. Each confinement cell shall ~~should~~ provide for a minimum of twenty foot-candles of light, including natural lighting, ~~unless the behavior of the occupant is such that removal of such light is necessary in order to control behavior. In such cases, approval of the senior correctional officer is required and such approval will be documented on the Daily Record of Segregation, DC4-815. Such light restriction will be for the shortest period necessary to gain control of the inmate. Once the inmate is removed from the light restricted status, such removal will also be noted on the DC4-815. The removal decision will also be made by the senior correctional officer.~~

5. Care shall ~~should~~ be exercised to maintain noise levels in confinement units at a reasonable level so as not to interfere with normal human activities.

#### (b) Restraint and Escort Requirements.

1. Prior to opening any cell for any purpose, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, escort officers shall be particularly vigilant.

2. A minimum of two officers shall be physically present at the cell whenever the cell door is opened.

3. When escorting an inmate from a cell, the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other appropriate restraint devices shall be applied.

4. After the required restraints are applied, the inmate has been thoroughly searched, and the cell door has been secured, the second officer is authorized to leave the area.

5. If two inmates are being escorted from the same cell, both inmates can be escorted at the same time provided that the second officer remains to escort the second inmate and no

other movement is occurring on the wing. During all other situations, only one inmate at a time shall be escorted on each confinement wing.

(c)(b) Clothing and Bedding.

1. Inmates in disciplinary confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are ~~clear~~ facts to suggest that on an individual basis exceptions shall ~~should~~ be made for the welfare of the inmate or the security of the institution. In such cases, the exceptions should be noted on the DC4-815 Form and approved by the correctional officer chief Superintendent. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty shroud/garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC4-815. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. Bedding and linen for those in disciplinary confinement shall ~~should~~ be issued and exchanged the same as is provided to the general inmate population. ~~Again, Any~~ exceptions shall ~~should~~ be based on potential harm to individuals or a clear threat to the security of the institution. Such exceptions shall ~~should~~ be documented ~~reflected~~ on the DC4-815.

(d)(e) Diet and Meals. Inmates in disciplinary confinement shall ~~should~~ receive a meals representative of the food served the general population, but not necessarily a choice of every item. Any food item that might create a security problem in the confinement area shall ~~may~~ be substituted ~~for~~ by another item of comparable quality and quantity.

(e)(f) Comfort Items. Inmates in confinement will be afforded the following comfort items as a minimum: toothbrush, toothpaste, bar of soap, towel (or paper towels), internal and external feminine hygiene products sanitary napkins for women, and toilet tissue.

(f)(e) No change.

(g)(f) Weighing. Inmates shall ~~will~~ be weighed upon entering disciplinary confinement, at least once a week while in confinement, and upon leaving confinement ~~and a record made thereof.~~ The weight of the inmate shall be documented on Form DC4-815, Daily Record of Segregation.

(h)(g) No change.

(i)(h) Correspondence.

1. Inmates in disciplinary confinement shall be allowed routine correspondence privileges unless restricted as provided in rule 33-22.008, Disciplinary Action. Inmates shall ~~should~~ be encouraged to write their family to advise them of their anticipated visiting status.

2. Grievance forms will also be made available to the inmate at any time regardless of his confinement status. Such forms will be immediately transmitted to the addressee without delay.

(j)(i) Legal Access.

1. Inmates An inmate in disciplinary confinement shall be permitted to have access to their personal legal papers and law books, to correspond with the may be required to conduct legal business by correspondence rather than a personal visit to the law library, to have the law library deliver research materials to their cells, and to if security requirements prevent a personal visit with certified inmate law clerks. However, all Steps shall must be taken to ensure that the inmates are is not denied needed access while in disciplinary confinement.

2. Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

~~3.2.~~ Legal visits shall be allowed as provided in rule 33-5.011, Legal Visitors.

~~4.3.~~ Inmates will be provided ~~appropriate~~ paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and will not be permitted in confinement cells.

(k)(j) Telephone. Inmates in disciplinary confinement shall ~~are not be normally~~ allowed telephone privileges except in cases of emergency or when necessary to ensure the inmate's access to attorneys or the courts and only when alternative means of access are not feasible. Calls to ~~courts or~~ attorneys shall not be monitored.

(l)(k) Visiting Privileges.

1. Inmates in disciplinary confinement will be allowed visits only ~~under unusual circumstances~~ when specifically authorized by the warden Superintendent or his designated representative.

2. When an inmate is denied visiting privileges or has special visiting restrictions, it is the responsibility of the inmate to inform the visitors of such restrictions. Staff shall ~~should~~ specifically point out this responsibility to the inmate at such time as the restrictions become effective. If sufficient time has lapsed so that visitors could have been informed, then the visiting restrictions shall ~~may~~ be imposed even though visitors arrive and request visits. However, if insufficient time

precluded notification of the visitors of the restrictions imposed, consideration ~~shall~~ ~~should~~ be given for a special visitors pass. Such special consideration may be for a shorter period than the full visiting day.

(m)(4) Personal Property. Inmates are allowed to retain stamps, eyeglasses, hearing aids, personal watches, and rings in confinement unless their actions require removal of such. Superintendents may approve additional items on an individual basis.

(n)(3) No change.

(o)(4) Exercise. Those inmates confined on a twenty-four hour basis (excluding showers and clinic trips) may exercise in their cells. However, if confinement extends beyond a thirty-day period an exercise schedule ~~shall~~ ~~should~~ be implemented to ensure a minimum of ~~three~~ ~~two~~ hours per week of exercise out of doors outside of the cell. Such exercise periods ~~shall~~ ~~should~~ be documented on Form DC4-815 the confinement records. The warden or assistant warden is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery, attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC4-815. A document detailing an in-cell exercise plan will be provided to the affected inmate at the beginning of any period of exercise restriction and shall be documented on Form DC4-815. Exceptions to this requirement may be made only when clear and compelling facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. The reasons for any exercise restrictions shall be documented.

(p) Canteen Items. Inmates in disciplinary confinement shall be allowed to purchase canteen items once every other week with the following restrictions:

1. Inmates in disciplinary confinement are prohibited from possessing or purchasing any canteen food items.

2. Inmates in disciplinary confinement shall be allowed to purchase a maximum of five non-food canteen items. In making this determination, with the exception of stamps and notebook paper, it is the number of non-food items that is counted, not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item. Non-food items shall be limited to security pens, paper, stamps, roll-on or stick deodorant and shower slides.

(q) Writing utensils. Inmates in disciplinary confinement shall possess only security pens, with a possession limit of four pens. Other types of pens shall be confiscated and held until the inmate is released from disciplinary confinement status. A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances.

(r)(6) Restrictions.

1. Any privilege listed within this section, except essential health items; (including prescribed medication); and receiving and sending legal mail or grievance forms shall be subject to restriction ~~may be restricted~~ when an inmate's ~~an~~ conduct and behavior become unmanageable.

2. ~~Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or others or to prevent the destruction of property or equipment.~~

2.3. When any privilege is restricted or any item is removed from an inmate's cell ~~in accordance with paragraphs 1. and 2. above,~~ the action taken must be approved by the senior correctional officer. The action taken and the reason for it shall be documented ~~recorded~~ on the Daily Record of Segregation, Form DC-815. A receipt shall be given for any property taken. This action must be reviewed and approved by the correctional officer chief no later than the next working day following this action.

(2) Release From Disciplinary Confinement.

(a) A correctional probation officer ~~Disciplinary Team members~~ will frequently review the case of each inmate in disciplinary confinement, determine the inmate's attitude and return the inmate to the regular inmate population when, ~~in the Team's opinion,~~ he may reasonably be expected to adequately adjust and conform to the rules and regulations. Disciplinary confinement shall ~~should~~ always be for the shortest period of time that accomplishes the desired results of favorable adjustment. The CPO is authorized to shorten ~~Time~~ in disciplinary confinement ~~may be shortened~~ for good behavior and attitude.

(b) No inmate will be held in disciplinary confinement to exceed the maximum penalty for the rule violation. Any inmate assigned to disciplinary confinement for 30 days ~~is to~~ be given a psychological assessment by appropriate mental health ~~the professional~~ staff to determine his mental condition. The assessment shall include a personal interview. The psychologist shall prepare a report to the warden ~~Superintendent~~ with the facts of the case. The warden ~~Superintendent~~ will then make a final decision regarding



continuation of confinement. All such assessments shall ~~are to~~ be documented in the mental health record. If the decision is to continue confinement and that confinement extends beyond 90 days, a new psychological assessment will be completed ~~accomplished~~ each 90-day period. If no ~~there is not~~ psychological staff are available at the institution or facility, the warden Superintendent shall make the decision whether to continue the disciplinary confinement.

(3) Visits to Disciplinary Confinement.

(a) Disciplinary confinement areas housing inmates shall require a physical visit to each cell at least:

1. Hourly by a correctional officer.

2. Daily by the Officer in Charge on duty for the day or evening shift, except in the case of riot or other institutional emergency.

1.3. Daily by a clinical health care person representative of the Medical Department except at Road Prisons and Community Facilities where full-time medical staff is not available. At such facilities the correctional officer assigned to the confinement area will check inmates in confinement at least every two hours to see whether any inmate has any obvious medical abnormalities, whether there is a need for immediate health care, and whether there is a need to bring anything to the attention of the contract physician. The contract physician must see all inmates in disciplinary confinement at least weekly.

2.4. As frequently as necessary by a correctional probation officer Disciplinary Team members to ensure that the inmate's welfare is properly provided for and to determine the time and method of release.

3.5. Weekly by the Chaplain if possible. The Chaplain is also authorized to He may also provide spiritual guidance and counsel to inmates in confinement and may distribute religious materials.

(b) A documented visual health and welfare/security check shall be made of all inmates in disciplinary confinement:

1. Daily by the housing area supervisor.

2. At least every 30 minutes by a correctional officer, but on an irregular schedule. An Inspection of Confinement Record, DC4-814, will be maintained in each disciplinary confinement housing area in the institution. All persons making visits to confinement will sign this form at the time of each visit. By signing the form, the officer is certifying that he has checked the confinement area.

(c) Disciplinary confinement housing areas will be visited:

1. Daily by the officer-in-charge on duty for all shifts except in the case of riot or other institutional emergency.

2. Daily by the correctional officer chief (when on duty at the facility) except in cases of riot or other institutional emergency.

3. Weekly by the warden and assistant wardens.

(d)(e) For the purposes of this rule, "special management inmate" means Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff provide observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650 until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be noted on Form DC4-815 and shall be followed with an incident report. Form DC3-301 could place himself, other inmates, or staff in a situation where grievous harm may be inflicted or who has become an extreme security risk. An inmate who, in the opinion of staff, has become a special management inmate while in disciplinary confinement should be placed in a location, either in confinement or another designated area, where more frequent observation can be given and checks made by the correctional officer or medical staff at least every 30 minutes until the inmate is no longer considered a special management inmate.

(4) Daily Record of Segregation.

(a) A Daily Record of Segregation, Form DC4-815, will be maintained on each inmate in disciplinary confinement. ~~Inmates placed in confinement shall be weighed. Inmates confined for 30 days or more shall be weighed after 30 days and weekly thereafter. The weight of the inmate shall be recorded on Form DC4-815, Daily Record of Segregation.~~ The supervising officer of the day and the evening shift, health care representatives of the medical staff, and a disciplinary team member will sign the DC4-815 form whenever they make a visit to a specific inmate. Full and complete remarks are to be made in the following situations:

1.(a) Security Custodial Department – Supervising Officer.

a.1. Whenever a check of inmates is made on routine or special basis.

b.2. When there is an unusual occurrence in the inmate's behavior.

c.3. When it becomes necessary to notify the ~~m~~Medical ~~d~~Department.

d.4. When it becomes necessary to restrict any privilege or remove any clothing, bedding or comfort item for the inmate's own protection or to prevent destruction.

e.5. If the inmate refuses food.

f.6. Cell changes.

g.7. Release to population.

h.8. To further explain a notation made under the "Physical Appearances" or "Attitude" sections of the Daily Record of Segregation.

i.9. When medication is issued by the sSecurity sStaff upon medical instructions.

2.(b) Medical Department.

a.1. When the inmate is ordered removed from confinement and where relocated.

b.2. When the inmate's diet is ordered changed.

c.3. When changes of clothing, bedding or other restrictions are ordered.

d.4. When complaints are received and treatment is given.

e.5. When any unusual circumstances occur.

f.6. When medication is dispensed.

3.(e) Correctional Probation Officer Disciplinary Team.

a.1. Upon each review of the case.

b.2. Upon release from confinement.

(b) The DC4-815, Daily Record of Segregation, shall be maintained in the housing area for one week, at which time the form shall be forwarded to the warden for review. Once reviewed, the form shall be forwarded to classification to be filed in the institutional inmate record.

(5) Inspection of Confinement Record. Form DC4-814, Inspection of Confinement Record, shall be maintained in each disciplinary confinement area. Each staff person shall sign the form when entering and leaving the disciplinary confinement area. Prior to leaving the disciplinary confinement area, each staff member shall indicate any specific problems, including identification of any inmate who required special attention. Upon completion, the DC4-814 will be maintained in the housing area and will be forwarded to the correctional chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule.

(6) Staffing issues.

(a) Officers assigned to a confinement unit shall be rotated every 18 months to another assignment for a period of at least one year. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of any officer involved in eight or more use of force incidents in an 18 month period. The regional director will review the circumstances for possible reassignment.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97,

33-3.0085 Special Management Meal.

(1) through (3) No change.

(4) Placement on the Special Management Meal.

(a) When any employee observes inmate behavior that he believes meets the criteria for application of the special management meal, the employee shall prepare Form DC3-013, Special Management Meal Report, and forward the report to the Chief cCorrectional oOfficer chief for review. Form DC3-013, Special Management Meal Report, is hereby

incorporated by reference. A copy of this form may be obtained from the Office of Security and Institutional Management Operations, Department of Corrections, 2601 Blair Stone Road 1311 Winewood Boulevard, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope must accompany the request. The effective date of this form is \_\_\_\_\_ the same as the effective date of this rule.

(b) If the Chief cCorrectional oOfficer chief determines that the behavior cannot be corrected through routine counseling or by established disciplinary procedures, a discussion shall take place at the inmate's cell between the inmate, the oOfficer in cCharge, and the reporting officer, if needed. The oOfficer in cCharge shall complete the discussion section of the report. The Special Management Meal Report shall document the reasons for recommending the special management meal and shall include a summary of the inmate's comments or objections. When an inmate has been recommended for placement on the special management meal, the cChief hHealth oOfficer or other designated health care medical staff member shall indicate on the Special Management Meal Report whether there is any medical reason that would prohibit placing the inmate on special management meal status. When there is a medical problem, the cChief hHealth oOfficer or other designated medical staff member shall ~~then~~ determine whether the inmate can be placed on the special management meal or whether an alternative special meal can be prescribed. No inmate shall be placed on special management meal status without medical approval. The Chief cCorrectional oOfficer chief shall then forward the report to the warden Superintendent for approval.

(c) The warden Superintendent or his designee shall approve or disapprove all recommendations for placement on the special management meal based on the criteria set forth in subsection (2) above.

(5) Canteen privileges authorized by 33-3.0081(8)(9)(n)(m), 33-3.0082(9)(j)6, and 33-38.003 33-3.0083(3)(f) for inmates in administrative confinement; ~~protective confinement~~; and close management status shall be suspended for the duration of the period that an inmate is on special management meal status.

(6) The Chief cCorrectional oOfficer chief and a clinical health care person representative of the medical staff shall visit each inmate on special management meal status on a daily basis, except in case of riot or other institutional emergency. The shift supervisor shall act as the chief correctional officer's designee and shall conduct the daily visit in the chief's absence. The purpose of the daily visit is to follow the inmate's progress while on the special management meal and to determine when the inmate should be removed from the special management meal status.

(7) An inmate may be removed from special management meal status at any time based on:

(a) The recommendation of the ~~Chief~~ cCorrectional ~~Officer~~ chief and the approval of the ~~warden~~ Superintendent; or

(b) Medical reasons as determined by the ~~Chief~~ hHealth ~~Officer~~ or other designated health care ~~medical~~ staff.

(8) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-11-88, Amended 3-4-92, 5-27-97, 11-25-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

**DEPARTMENT OF CORRECTIONS**

RULE TITLES:	RULE NOS.:
General	33-38.001
Privileges in Close Management	33-38.003
Assignment to Close Management	33-38.005
Review of Assignment to Close Management	33-38.006
Case Management Responsibilities	33-38.009
Close Management Facilities	33-38.010
Other Conditions and Privileges	33-38.011
Close Management Records and Forms	33-38.012

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is as follows: restricts purchase of canteen items and possession of specific items by close management inmates; provides for more frequent observation of close management inmates; provides specific procedures for staff to follow when close management inmates demonstrate self-destructive behavior; provides for issuance of a modesty garment in situations where an inmate's clothes must be removed; increases the time limit for notice of close management review; removes the custody scoresheet requirement from the close management review process; and allows for electronic signature of the close management review form, corrects the title reference to a form incorporated by reference in another rule; and revises language concerning conditions of confinement for consistency throughout.

SUMMARY: The proposed rules clarify and strengthen requirements concerning administration of close management units. The proposed amendments specifically address the treatment of inmates exhibiting self-destructive or mentally disordered behavior, exercise for inmates in close management and assignment of officers to close management units.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: 9:00 a.m., October 5, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-38.001 General.

(1) Close management is the confinement of an inmate apart from the general population, for reasons of security, or the order and effective management of the institution, where the inmate, through his own behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others. The goal of close management shall be toward assignment of the inmate to the least restrictive level to meet the management needs of the inmate and returning the inmate to open population as soon as the facts of the case suggest it is in the best interest of the security and order of the institution and public safety. To aid in this transition back into open population, the close management review team is authorized to place Close Management III inmates in work assignments outside the close management unit and in assignments usually assigned to open population inmates. The secretary shall designate which institutions are authorized to house close management inmates, based on the needs of the department.

(2) Restraint and Escort Requirements.

(a) Prior to opening any cell for any purpose, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visiting, all inmates in the cell shall be handcuffed behind their backs. If documented medical conditions require that inmates be handcuffed in front, the escort officers shall be particularly vigilant.

(b) A minimum of two officers shall be physically present at a cell whenever the cell door is opened.

(c) When escorting an inmate from a cell the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other appropriate restraint devices shall be applied.

(d) Due to the unique mission of close management units, it is understood that more than one inmate may be out of his or her cell within the unit at any one time. However, whenever inmates are being escorted in restraints, there shall be one officer with each inmate and the inmates shall be kept at a distance from each other which would preclude any unauthorized physical contact.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, Amended 10-1-95, 4-14-98, \_\_\_\_\_.

33-38.003 Privileges in Close Management.

The inmate's movements within the institution and contacts with other persons shall be restricted and privileges for specific management levels shall be limited.

(1) Privileges for inmates assigned to close management level I who maintain a satisfactory adjustment (as defined in rule 33-11.0035):

(a) through (c) No change.

(d) Make canteen purchases once per month, unless restricted by disciplinary team action. Canteen purchases are subject limited to the following limitations health and comfort items and writing supplies, including stamps, unless modified by rule 33-38.011(1) and (2):

1. Close management I and II inmates, including those inmates housed in disciplinary confinement status, shall not be allowed to purchase any canteen food items.

2. Close management I and II inmates shall be allowed to purchase a maximum of 5 non-food canteen items. In making this determination, with the exception of stamps and notebook paper it is the number of non-food items that is considered, not the type of item. For example, three security pens count as three items, not one item. 25 stamps or fewer count as one item and two packages or less of notebook paper count as one item.

(e) through (h) No change.

(2) No change.

(3) Privileges for inmates assigned to close management level III in addition to the privileges provided for in levels I or II are:

(a) through (b) No change.

(c) Inmates who are on close management III status and have not received a disciplinary report for 90 days while on close management III status shall be allowed to purchase a maximum of four canteen food items. In making this determination, it is the number of food items that is considered, not the type of food. For example, three packages of cookies count as three items, not one item. Any disciplinary reports received by the inmate between the time that the inmate requests canteen food items and the delivery of those items shall result in disapproval of those requested items.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, Amended 10-1-95, 4-14-98, 9-2-98, \_\_\_\_\_.

33-38.005 Assignment to Close Management.

(1) The close management review shall be documented on a ~~R~~report of ~~C~~elose ~~M~~management, ~~F~~form DC4-813(c). The inmate shall be given a minimum of ~~48~~ ~~24~~ hours to prepare for the review and may present information verbally or in writing for consideration by the close management review team. The close management review team is authorized to postpone the case review to allow the inmate additional time to prepare. A staff assistant shall be assigned when the team determines the inmate is illiterate or does not understand English, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent himself or herself or when the inmate indicates that he or she needs or desires staff assistance. It is the responsibility of the staff assistant to explain the close management recommendations and procedures to the inmate. The designated staff assistant shall be authorized to:

(a) through (d) No change.

(2) The close management review team shall inform the inmate of the basis for its decision and provide a copy of the team's decision to the inmate after ~~at~~ the conclusion of the review.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, Amended 10-1-95, \_\_\_\_\_.

33-38.006 Review of Assignment to Close Management.

The close management review team shall convene as often as necessary to ensure each inmate is reviewed at least once every six months to determine if continuation, modification, or removal from close management status is appropriate.

(1) The report of close management will be completed by ~~a~~ ~~the~~ correctional probation officer ~~assigned to close management~~ and will serve as a scheduled progress report for the inmate. The following elements shall be considered:

(a) through (e) No change.

(2) The review by the close management review team shall include the following:

(a) The correctional probation officer review as documented on ~~F~~form DC4-813(c), ~~R~~report of ~~C~~elose ~~M~~management.

~~(b) Completion of an updated custody score sheet.~~

~~(b)(e)~~ Review of the ~~D~~aily ~~R~~ecord of ~~C~~onfinement, ~~F~~orm (DC4-815).

~~(c)(d)~~ Review of the reasons for placement into close management.

~~(d)(e)~~ Interview of the inmate by the close management review team pursuant to 33-38.005(3).

~~(e)(f)~~ Review of the inmate file or any other information essential to complete the review.

(3) The action of the team shall be documented on the Report of Close Management, Form DC4-813(c). Each team member shall sign the report by hand or electronically. If signed by hand, with the name shall be typed or printed under the signature.

(4) through (7) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, Amended 10-1-95, 4-14-98, \_\_\_\_\_.

### 33-38.009 Case Management Responsibilities.

(1) Inmates in close management shall be reviewed by the assigned correctional probation officer every week and the review shall be documented on the Daily Record of Segregation confinement, Form DC4-815.

(2) Any inmate assigned to close management for more than 30 continuous days shall be given a psychological assessment by appropriate mental health professional medical staff to determine his mental condition. For inmates who remain in confinement beyond 90 continuous days, a psychological assessment shall be completed each 90 day period. The assessment shall include a personal interview. All psychological assessments will be documented in the inmate's mental health record file. Only those cases recommended for a change in status need to have a report prepared for the warden superintendent. The warden superintendent shall then make a final decision regarding continuation of confinement based on the facts and recommendations in the report.

(3) A written assessment and evaluation report by a correctional probation officer ~~the inmate's classification team~~ is required on inmates in close management each six months for review by the close management review team on Form DC4-813(c).

(4) Inmates in close management shall receive a personal contact a minimum of:

(a) ~~At least every hour by a correctional officer.~~

(b) ~~Daily by the housing unit supervisor on duty for the day and evening shift, except in the case of an institutional emergency.~~

(a)(e) Daily by a clinical health care person representative of the medical department.

(b)(d) As frequently as necessary, but not less than weekly, by the inmate's assigned correctional probation officer to ensure that the inmate's welfare is properly provided for, and to determine the need for any program change recommendations.

(e) ~~The officer in charge on duty for the day or evening shift shall visit the housing unit to observe the operation and make any adjustments appropriate.~~

(c)(g) Weekly by the chaplain ~~if possible~~. More frequent visits shall ~~should~~ be made upon request of the inmate, if the chaplain's schedule permits.

(5) A documented visual health and welfare/security check shall be made of all inmates in close management:

(a) Daily by the area housing supervisor.

(b) At least every 30 minutes by a correctional officer, but on an irregular schedule.

(6) Close management housing areas will be visited:

(a) Daily by the officer in charge on duty for all shifts except in the case of riot or other institutional emergency.

(b) Daily by the correctional officer chief (when on duty at the facility) except in case of riot or other institutional emergency.

(c) Weekly by the warden and assistant wardens.

(7)(5) For the purposes of this rule, "special management inmate" means Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff will provide observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650 until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC4-815, to be followed by the completion of an Incident Report, Form DC3-301 could place himself, other inmates, or staff in a situation where grievous harm may be inflicted or who has become an extreme security risk. An inmate who, in the opinion of the senior correctional officer on duty, has become a special management inmate while in close management shall whenever possible be placed in a location, either in confinement or another designated area, where more frequent observation can be given and checks made by the correctional officer or medical staff at least every 30 minutes until the inmate is no longer considered a special management inmate.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, Amended 10-1-95, 4-14-98, \_\_\_\_\_.

### 33-38.010 Close Management Facilities.

(1) The number of inmates housed in a close management cell shall not exceed the number of beds in the cell except during an emergency situation as approved by the superintendent. Such exceptions shall not continue for more than 24 hours without the specific authorization of the regional director.

(2) All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. In such event, the inmate occupant shall be furnished with an adequate supply of

drinking water by other means to prevent dehydration. This action shall be documented on Form DC4-815, Daily Record of Segregation.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, Amended 10-1-95, 4-14-98, \_\_\_\_\_.

### 33-38.011 Other Conditions and Privileges.

(1) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses, ~~and hearing aids, etc.~~, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed from inmates in close management, the senior supervising correctional officer on duty shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken will be recorded on the Daily Record of Segregation confinement, Form DC4-815, which must be reviewed and approved by the correctional officer chief. Property receipts will be given for any personal property removed. The following comfort items will be provided as a minimum: toothbrush, toothpaste, bar of soap, towel (or paper towels), internal and external feminine hygiene products ~~sanitary napkins~~ (female), and toilet tissue.

(2) Inmates shall be allowed to retain personal property including stamps, watches, rings and health and comfort items unless there is an indication of a security concern ~~problem~~, in which case removal of any item will be documented on form DC4-815 and a property receipt issued. The warden ~~superintendent~~ shall determine, based on institutional considerations, whether additional property is to be allowed. Radios, tape players, record players, television sets, and other electronic entertainment devices are not authorized for inmates in close management, except as authorized by rule 33-3.002(17).

(3) Personal Hygiene – Inmates in close management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

(a) through (b) No change.

~~(c) Bedding and linen will be issued and exchanged for close management inmates the same as for the general population.~~

(4) through (5) No change.

(6) Diet – All inmates in close management shall receive institutional meals as are available to the general inmate population, except that if any item on the menu might create a security problem in the close management area, then another item of comparable quality may be substituted. Other substitutions shall be documented on the Daily Record of Segregation confinement, Form DC4-815.

(7) No change.

~~(8) Clothing and Bedding – Belts may be removed. Inmates in close management shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are required for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC4-815 and approved by the correctional officer chief. Shower slides or slip-on canvas shoes for cell use may be substituted for regulation shoes. Otherwise the clothing for inmates in close management shall be comparable to that available to the general inmate population except when security concerns dictate otherwise. In such cases, when clothing is denied to an inmate it shall be noted on form DC4-815, stating the reasons for such denial. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty shroud/garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC4-815. Under no circumstances shall an inmate be left without a means to cover himself or herself.~~

2. Bedding and linen for inmates in close management shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution and shall be documented on Form DC4-815.

(9) Exercise – Those inmates confined on a 24 hour basis, excluding showers and clinic trips, may exercise in their cells. However, if confinement extends beyond a 30 day period, ~~there shall be an exercise schedule~~ shall be implemented to ensure providing a minimum of three ~~2~~ hours per week of exercise out of doors outside of the cell. Such exercise periods shall be documented on Form DC4-815 in the confinement records. The warden or assistant warden is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery, or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite, or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC4-815. A document detailing an in-cell exercise plan will be provided to the affected inmate at the beginning of any period of exercise restriction and shall be documented on Form DC4-815. Exceptions to this requirement shall may be made

only when safety and security concerns can document such exercise periods should not be granted and the withholding of exercise is approved by the close management review team. Medical restrictions may also place limitations on the exercise periods. Wellness programs may be available for the exercise period provided such activity does not interfere with the safety of staff and inmates or security of the institution.

(10) No change.

(11) Writing Utensils. Inmates in close management status shall possess only security pens, with a possession limit of four pens. Other types of pens shall be confiscated and held until the inmate is released from close management status. A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the close management unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances.

(12) Staffing Issues.

(a) Officers assigned to a close management unit shall be rotated to another assignment every 18 months for a period of at least one year. Any officer assigned to a close management post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden or regional director of any officer involved in eight or more use of force incidents in an 18 month period. The regional director will review the circumstances for possible reassignment.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, Amended 10-1-95, \_\_\_\_\_.

33-38.012 Close Management Records and Forms.

(1) A report of close management, form DC4-813(c), shall be kept for each inmate placed in close management. A photocopy of the DC4-813(c) shall be kept in the close management unit with the other close management records for each inmate. Upon completion of the DC4-813(c), the white copy of the form will be mailed to central office to be filed in the central office inmate record and the pink copy will be filed in the institutional inmate record.

(2) An inspection of confinement record, form DC4-814, shall be maintained in each close management area. Each such record shall be signed by the staff person shall sign the form when entering and leaving the close management area. Prior to leaving the close management area, each the staff member will indicate any specific problems including any inmate who required special attention. Upon completion, the DC4-814 Inspection of Confinement Record will be maintained in the

housing area and forwarded to the correctional chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule.

(3) A Daily Record of Segregation eonf~~in~~ement, form DC4-815, shall be maintained for each inmate as long as he is in close management. The DC4-815 shall be utilized to document any and all activities, including cell searches, removal of any items, showers, recreation, and haircuts and shaves. If items that inmates in close management are not normally prohibited from possessing are denied or removed from the inmate, the shift officer in charge or the confinement or close management lieutenant senior correctional officer on duty must approve the action initially. The items denied or removed shall be documented noted on the Form DC4-815 and the chief correctional officer shall make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The supervising officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. The DC4-815, Daily Record of Segregation shall be maintained in the housing area for one week, at which time the form will be forwarded to the superintendent for review. Once reviewed, these forms will be forwarded to classification to be filed in the institutional inmate record.

(4) Form DC4-813(c), Report of Close Management, is hereby incorporated by reference. A copy of this form is available from the ~~Adult Services Program~~ Office of Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the form is to be mailed, ~~the request must be accompanied by~~ a self-addressed stamped envelope must accompany the request. The effective date of this form is October 1, 1995.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, Amended 10-1-95, 4-14-98, \_\_\_\_\_.

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

RULE CHAPTER TITLE:	RULE CHAPTER NO.
The Poinciana Community Development District	42AA-1
RULE TITLES:	RULE NOS.:
Establishment	42AA-1.001
Boundary	42AA-1.002
Supervisors	42AA-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (CDD), The Poinciana Community Development District (“the District”), pursuant to Chapter 190, F.S. The amended petition to establish the District, filed by Avatar Properties, Inc., (Petitioner), requests that the Florida Land and Water Adjudicatory Commission establish by rule The Poinciana CDD. The land area proposed to be served by the District will be approximately 3,031 acres. All proposed lands in the

District are within Polk County, bounded on the North by Cypress Parkway; bounded on the South by Huckleberry Avenue and Juniper Street and lands of the South Florida Water Management District and Poinciana Village 3 Neighborhood 6 South; bounded on the West by Rhododendron Avenue and land of Parker-Poinciana, Inc.; and bounded on the East by Marigold Avenue, Walnut Avenue, and Haines City Road, and Poinciana Village 3 Neighborhood 3. This District is designed to provide community infrastructure, services, and facilities along with their operations and maintenance to the Poinciana development. The District will be a fully amenitized residential community oriented toward the active adult. The development plan for the proposed lands within the District includes the construction of approximately 6,500 single family and higher density residential dwelling units, neighborhood pools, an arts and crafts center, outdoor sports center, a ballroom, 18 holes of golf, golf clubhouse, spa and fitness center, restaurants, and parks. All are authorized for inclusion within the District. There is no real property within the external boundaries of the proposed District which is to be excluded from the District, other than a 0.20-acre lot which is in private ownership and a 2.5-acre substation owned by Florida Power Corporation. There will not be any adverse impact to the public or the proposed District or the two property owners resulting from the exclusion of the 0.20-acre lot or the 2.5-acre substation from the proposed District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: The District has prepared a Statement of Estimated Regulatory Costs (SERC). The complete text of the SERC is contained as Exhibit 7 to the amended petition to establish the District. The Poinciana Community Development District will be empowered to own, operate and maintain community-wide infrastructure consisting of systems, facilities and services for the benefit of the property and residents within the boundaries of the District as authorized by Chapter 190, Florida Statutes. It is possible that the District will be asked to issue revenue or special assessment bonds to be used in providing capital and other facilities, which bonds would be repaid by non-ad valorem special assessments levied on all specially-benefited properties in the District, as well as user fees or charges. The cost of implementing this rule to Polk County, its residents and to all applicable state agencies for processing the documents is nominal. The cost to the present and future property owners in the establishment of the District as created by general law is nominal and in the operations of the District will be reasonable. The County was paid a \$15,000.00 processing fee to offset its cost of review of the petition to establish the District. Administrative costs will be incurred by the Florida Land and Water Adjudicatory Commission, the Division of

Administrative Hearings, the Bureau of Local Government Finance/Office of the Comptroller, and the Florida Department of Community Affairs. Other than administrative costs, no costs will be incurred by the State of Florida or the general citizenry from the establishment or operations of the District. The impact of District establishment and function on competition and employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the rule, is as economically viable as establishing the District. Establishment of the District will not have any impact on small counties and cities. Polk County is not a small county as defined. Methodology is set forth in the economic impact statement on file.

Any person who wishes to provide the Florida Land and Water Adjudicatory Commission information regarding the statement of estimated regulatory costs, or wishes to provide a proposal for a lower cost regulatory alternative as provided by section 120.541(1), must do so in writing within twenty-one (21) days of the date of this notice. Information should be filed with: Teresa Tinker, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001.

IF REQUESTED WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Monday, September 27, 1999

PLACE: Room 2106, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty at (850)488-7793 at least 3 business days in advance to make appropriate arrangements.

COPIES OF THE PROPOSED RULES AND ESTIMATED REGULATORY COSTS STATEMENT MAY BE OBTAINED BY CONTACTING: Teresa Moore, Greenberg Traurig, Post Office Box 20629, West Palm Beach, Florida 33416-0629, telephone (561)650-7900 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE FULL TEXT OF THE PROPOSED RULES IS:

42AA-1.001 Establishment.

Poinciana Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New \_\_\_\_\_.

42AA-1.002 Boundary.

The boundaries of the district are as follows:



PARCEL APERIMETER DESCRIPTIONLEGAL DESCRIPTION

A PORTION OF SECTIONS 13, 14, 15, 22, 23, 24, 25, 26, 35 AND 36, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT LOCATED AT THE NORTHWEST CORNER OF POINCIANA NEIGHBORHOOD 1 EAST, VILLAGE 4, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, AS RECORDED IN PLAT BOOK 56, PAGE 25, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, THENCE RUN S04°54'45"E FOR A DISTANCE OF 301.04 FEET TO THE POINT OF BEGINNING. SAID POINT OF BEGINNING BEING LOCATED ON THE SOUTHERLY SIDELINE OF CYPRESS PARKWAY AND THE EASTERLY SIDELINE OF RHODODENDRON AVENUE; THENCE RUN S89°554'30"E FOR A DISTANCE OF 2930.85 FEET; THENCE RUN S89°546'58"E FOR A DISTANCE OF 5321.93 FEET; THENCE RUN S89°558'45E FOR A DISTANCE OF 886.32 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 2059.86 FEET, THROUGH A CENTRAL ANGLE OF 19°504'49" A DISTANCE OF 685.96 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 93°512'37" A DISTANCE OF 40.67 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 3139.52 FEET, THROUGH A CENTRAL ANGLE OF 20°542'36" A DISTANCE OF 1134.80 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°58'35" A DISTANCE OF 39.70 FEET; THENCE RUN N84°509'21"W FOR A DISTANCE OF 396.38 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 650.53 FEET, THROUGH A CENTRAL ANGLE OF 23°40'59" A DISTANCE OF 268.90 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 540.00 FEET, THROUGH A CENTRAL ANGLE OF 67°517'36" A DISTANCE OF 634.23 FEET; THENCE RUN S04°552'04"W FOR A DISTANCE OF 1734.81 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 560.00 FEET, THROUGH A CENTRAL ANGLE OF 28°542'35" A DISTANCE OF 280.60 FEET; THENCE RUN S33°534'39"W FOR A DISTANCE OF 472.17 FEET; THENCE RUN S56°525'21"E FOR A DISTANCE OF

1140.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°500'00" A DISTANCE OF 39.27 FEET; THENCE RUN S33°534'39"W FOR A DISTANCE OF 258.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1825.00 FEET, THROUGH A CENTRAL ANGLE OF 35°513'56" A DISTANCE OF 1122.23 FEET; THENCE RUN S01°539'17"E FOR A DISTANCE OF 1818.87 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1125.00 FEET; THROUGH A CENTRAL ANGLE OF 37°545'34" A DISTANCE OF 741.41 FEET; THENCE RUN S36°506'17"W FOR A DISTANCE OF 469.92 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1525.00 FEET, THROUGH A CENTRAL ANGLE OF 46°506'17" A DISTANCE OF 1227.14 FEET; THENCE RUN S10°500'00"E FOR A DISTANCE OF 403.95 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 3350.00 FEET, THROUGH A CENTRAL ANGLE OF 10°500'00" A DISTANCE OF 584.69 FEET; THENCE RUN S00°500'00"E FOR A DISTANCE OF 1200.84 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 2075.00 FEET, THROUGH A CENTRAL ANGLE OF 20°519'55" A DISTANCE OF 736.33 FEET; THENCE RUN S20°519'55"E FOR A DISTANCE OF 443.56 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1925.00 FEET, THROUGH A CENTRAL ANGLE OF 26°536'00" A DISTANCE OF 893.70 FEET; THENCE RUN S06°516'05"W FOR A DISTANCE OF 520.38 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 6225.00 FEET, THROUGH A CENTRAL ANGLE OF 09°504'15" A DISTANCE OF 985.52 FEET; THENCE RUN S15°520'20"W FOR A DISTANCE OF 1617.02 FEET; THENCE RUN N74°539'40"W FOR A DISTANCE OF 269.91 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 1575.00 FEET, THROUGH A CENTRAL ANGLE OF 15°520'20" A DISTANCE OF 421.65 FEET; THENCE RUN N90°500'00"W FOR A DISTANCE OF 1819.67 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 2950.00 FEET, THROUGH A CENTRAL ANGLE OF 52°536'25" A DISTANCE OF 2708.59 FEET; THENCE RUN N37°523'35"W FOR A DISTANCE OF 502.05 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 2300.00 FEET, THROUGH A CENTRAL

ANGLE OF 11°548'13" A DISTANCE OF 473.83 FEET; THENCE RUN N49°511'48"W FOR A DISTANCE OF 833.92 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 1875.00 FEET, THROUGH A CENTRAL ANGLE OF 30°530'00" A DISTANCE OF 998.11 FEET; THENCE RUN N18°541'48"W FOR A DISTANCE OF 940.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1925.00 FEET, THROUGH A CENTRAL ANGLE OF 22°530'00" A DISTANCE OF 755.95 FEET; THENCE RUN N41°511'48"W FOR A DISTANCE OF 1295.00 FEET; THENCE RUN N48°548'12"E FOR A DISTANCE OF 475.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 1325.00 FEET, THROUGH A CENTRAL ANGLE OF 40°500'00" A DISTANCE OF 925.03 FEET; THENCE RUN N08°548'12"E FOR A DISTANCE OF 3153.37 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1825.00 FEET, THROUGH A CENTRAL ANGLE OF 24°502'18" A DISTANCE OF 765.68 FEET; THENCE RUN N32°550'30"E FOR A DISTANCE OF 855.99 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1450.00 FEET, THROUGH A CENTRAL ANGLE OF 65°500'00" A DISTANCE OF 1644.97 FEET; THENCE RUN N32°509'30"W FOR A DISTANCE OF 749.99 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1300.00 FEET, THROUGH A CENTRAL ANGLE OF 16°530'00" A DISTANCE OF 374.37 FEET; THENCE RUN N15°539'30"W FOR A DISTANCE OF 740.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1975.00 FEET, THROUGH A CENTRAL ANGLE OF 24°500'00" A DISTANCE OF 827.29 FEET; THENCE RUN N39°539'30"W FOR A DISTANCE OF 765.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1225.00 FEET, THROUGH A CENTRAL ANGLE OF 39°545'00" A DISTANCE OF 849.87 FEET; THENCE RUN N00°505'30"E FOR A DISTANCE OF 229.96 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°500'00" A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING. CONTAINING 2875.650 ACRES MORE OR LESS.

ALSO INCLUDING:

PARCEL C

PERIMETER DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF SECTIONS 13, 24, AND 25, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF POINCIANA NEIGHBORHOOD 3, VILLAGE 3, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, AS RECORDED IN PLAT BOOK 52, PAGE 19, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA. SAID POINT BEING ON THE SOUTHERLY SIDELINE OF WALNUT STREET AND THE EASTERLY SIDELINE OF MARIGOLD AVENUE. THENCE RUN

FROM A TANGENT BEARING OF S56°525'21"E RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 2392.77 FEET, THROUGH A CENTRAL ANGLE OF 34°537'51" A DISTANCE OF 1446.24 FEET; THENCE RUN N88°556'48"E FOR A DISTANCE OF 97.67 FEET; THENCE RUN S04°503'28"W FOR A DISTANCE OF 330.04 FEET; THENCE RUN S54°503'28"W FOR A DISTANCE OF 153.75 FEET; THENCE RUN S61°547'51"W FOR A DISTANCE OF 211.04 FEET; THENCE RUN S08°501'02"E FOR A DISTANCE OF 40.95 FEET; THENCE RUN S47°533'48"E FOR A DISTANCE OF 170.24 FEET; THENCE RUN S05°505'14"W FOR A DISTANCE OF 170.69 FEET; THENCE RUN S08°532'10"W FOR A DISTANCE OF 224.90 FEET; THENCE RUN S01°540'55"W FOR A DISTANCE OF 227.80 FEET; THENCE RUN S05°505'14"W FOR A DISTANCE OF 1230.28 FEET; THENCE RUN S18°534'59"W FOR A DISTANCE OF 582.94 FEET; THENCE RUN S37°556'48"W FOR A DISTANCE OF 336.99 FEET; THENCE RUN S00°506'26"W FOR A DISTANCE OF 170.14 FEET; THENCE RUN S38°518'16"W FOR A DISTANCE OF 323.43 FEET; THENCE RUN S49°540'20"W FOR A DISTANCE OF 257.88 FEET; THENCE RUN S56°544'06"W FOR A DISTANCE OF 156.10 FEET; THENCE RUN S75°517'59"W FOR A DISTANCE OF 146.98 FEET; THENCE RUN S46°542'14"W FOR A DISTANCE OF 268.65 FEET; THENCE RUN S61°553'00"W FOR A DISTANCE OF 158.15 FEET; THENCE RUN N78°520'54"W FOR A DISTANCE OF 169.83 FEET; THENCE RUN N53°553'43"W FOR A DISTANCE OF 180.00 FEET; THENCE RUN S36°506'17"W FOR A DISTANCE OF 70.00 FEET; THENCE RUN S52°545'05"W FOR A DISTANCE OF 157.04 FEET; THENCE RUN N81°515'40"W FOR A DISTANCE OF 148.46 FEET; THENCE RUN N77°503'48"W FOR A DISTANCE OF 59.12 FEET; THENCE RUN S12°556'12"W FOR A DISTANCE OF 80.00 FEET; THENCE RUN N77°503'48"W FOR A DISTANCE OF 166.57 FEET; THENCE RUN FROM A

TANGENT BEARING OF N10°500'00"W RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1375.00 FEET, THROUGH A CENTRAL ANGLE OF 24°550'04" A DISTANCE OF 595.98 FEET; THENCE RUN N36°506'17"E FOR A DISTANCE OF 469.92 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1275.00 FEET, THROUGH A CENTRAL ANGLE OF 37°545'33" A DISTANCE OF 840.25 FEET; THENCE RUN N01°539'17"W FOR A DISTANCE OF 1818.87 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 1675.00 FEET, THROUGH A CENTRAL ANGLE OF 35°513'55" A DISTANCE OF 1029.98 FEET; THENCE RUN N33°534'39"E FOR A DISTANCE OF 258.09 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°500'00" A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING. CONTAINING 154.728 ACRES MORE OR LESS.

LESS AND EXCEPT:

LOT 1, BLOCK 302, "POINCIANA NEIGHBORHOOD 6 NORTH VILLAGE 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGES 42 THROUGH 49 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA, RUN NORTH 89°556'36" EAST ALONG THE NORTH LINE OF SAID SECTION 35 A DISTANCE OF 644.07 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00°503'25" EAST A DISTANCE OF 102.49 FEET TO THE NORTHERLYMOST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 1, BEING A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2519.00 FEET, A CENTRAL ANGLE OF 01°555'54" AND A CHORD OF 84.92 FEET THAT BEARS SOUTH 41°532'37" EAST; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 84.96 FEET; THENCE SOUTH 46°534'51" WEST, A DISTANCE OF 74.50 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 91°526'07" AND A CHORD OF 35.80 FEET THAT BEARS NORTH 87°542'05" WEST, SAID POINT BEING HEREAFTER REFERRED TO AS POINT "A"; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.90 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE

NORTHEASTERLY, HAVING A RADIUS OF 2619.00 FEET, A CENTRAL ANGLE OF 01°524'21" AND A CHORD OF 64.25 FEET THAT BEARS NORTH 41°516'50" WEST, THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 64.28 FEET; THENCE NORTH 49°525'20" EAST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. (CONTAINING 0.20 ACRES, MORE OR LESS.)

ALSO LESS AND EXCEPT:

AN APPROXIMATE 2 1/2 ACRE PARCEL LOCATED IN TRACT C, NEIGHBORHOOD 1-E VILLAGE 4, AS RECORDED IN PLAT BOOK 56, PAGE 31, BEING IN SECTION 14, TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New

42AA-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Lawrence R. Sherry, Harold Cohen, William Coward, Anthony S. Iorio, and Dennis J. Getman.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 1999

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

**RULE TITLE:** Medicaid Certified School Match Program **RULE NO.:** 59G-4.035

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, August 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Certified School Match Program Coverage and Limitations Handbook.

**SUMMARY:** This proposed rule would incorporate by reference the current Florida Medicaid Certified School Match Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 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: 9:00 a.m., EST, on September 27, 1999

PLACE: Ft. Knox Office Complex, Building 3, Conference Room D, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kim Corsmeier, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7318

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.035 Medicaid Certified School Match Program.

(1) This rule applies to all school districts enrolled in the Medicaid certified school match program as described in 409.9071, F.S.

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match Coverage and Limitations Handbook, August 1999 ~~December 1997~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS. History—New 4-9-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kim Corsmeier

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben King-Shaw, AHCA Director  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Auctioneers**

RULE TITLE: Examination for Licensure  
RULE NO.: 61G2-2.002

PURPOSE AND EFFECT: Rule 61G2-2.002 is being amended to specify that examination fees paid to a professional testing service by a candidate who is denied approval to sit for the examination for which the fee was paid shall be refunded and that fees paid to the Department by a candidate who is denied approval to sit for the examination for which the fee was paid shall be refunded or, at the applicant's request, shall be transferred to a future examination.

SUMMARY: The proposal requires that, upon request of a candidate for examination who has been denied approval to sit for an examination, examination fees paid to the Department by that candidate shall be Transferred to a future examination rather than be refunded to the candidate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 468.384(2) FS.

LAW IMPLEMENTED: 455.217(1)(b), 468.385, 120.60(2) FS.

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

TIME AND DATE: 10:00 a.m., September 28, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL 32310

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Broyles, Executive Director, Board of Auctioneers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-2.002 Examination for Licensure.

(1) through (4) No change.

(5) The Board shall review all applicants for licensure by examination and approve their qualifications before an applicant will be permitted to sit for the examination. The application fee is non-refundable. Should an applicant be denied approval to sit for the examination, the examination fee shall be refunded. The examination fee paid to the Department shall ~~may~~ be transferred to a subsequent examination upon the applicant's written request, if the request is received in the Board office at least 20 days prior to the scheduled examination date.

(6) No change.

Specific Authority 468.384(2) FS. Law Implemented 455.217(1)(b), 468.385, 120.60(2) FS. History—New 5-10-87, Amended 10-20-87, 6-5-88, 5-11-89, Formerly 21BB-2.002, Amended 9-27-93, 8-20-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Auctioneers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Acupuncture Program Requirements

RULE NO.: 64B1-4.001

PURPOSE AND EFFECT: The purpose for the rule is to ensure that applicants are completing their education before applying for licensure.

SUMMARY: In order to be certified to take the licensure examination, applicants must establish that s/he has met minimal requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 457.104, 457.105 FS.

LAW IMPLEMENTED: 457.105 FS.

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

TIME AND DATE: 10:00 a.m., September 27, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL 32310

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 S. E. Capital Circle, BIN #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination, the applicant must establish that s/he has met the following minimal requirements. For persons who enrolled on or after July 1, 1997, the applicant must complete the program in which they have enrolled. No person may be certified to take

~~the examination until he/she has completed a program of course work and clinical experience that meets the following requirements:~~

(1) through (2) No change.

Specific Authority 457.104 FS. Law Implemented 457.105 FS. History—New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 1997

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 1999

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-32.002
Notice of Fund Availability	67-32.003
General Program Restrictions	67-32.004
Application Procedures	67-32.005
Terms and Conditions of Loan	67-32.006
Selection Criteria, Rejection Criteria, and Scoring and Ranking Guidelines	67-32.007
Selection for Participation in Program	67-32.008
Right to Inspect and Monitor Funded Developments	67-32.010
Fees	67-32.011

PURPOSE AND EFFECT: Pursuant to Florida Statutes Chapter 420.5087(3)(c)2., the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32 provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL Program.

The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUMMARY: The proposed Rule with its amendments sets out the procedures by which projects will be selected to participate in the Elderly Housing Community Loan Program and receive funds under the State Apartment Incentive Loan Program's allocation. This proposed Rule provides the procedures for program administration and will enable the corporation to make or participate in the making of mortgage loans for

life-safety, building preservation, health, sanitation, and security-related repairs or improvements to eligible developers of rental housing projects for the elderly community.

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: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 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:

TIME AND DATE: 9:00 a.m., September 27, 1999

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue W. Early, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-32.002 Definitions.

For the purposes of this rule the following definitions shall apply:

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, of the Florida Statutes.

(2) "Applicant" means any not-for-profit Sponsor of Housing for the Elderly who is requesting a loan from the Corporation for financing life-safety or security-related repairs or improvements.

(3) "Corporation" or "FHFC" or "Florida Housing" means the Florida Housing Finance Corporation.

(4) "Development" or "Project" means the rental housing unit or units to be repaired or improved by a loan from the Program.

(5) "Elderly" describes a person 62 years of age or older. Persons meeting the Federal Fair Housing Act requirements for Elderly shall be considered Elderly.

(6) "Housing for the Elderly" means any nonprofit housing community which is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and which is subject to the income limitations as established by the United States Department of Housing and Urban Development, or any program funded by the Farmers Home Administration or its successor, U.S. Department of

Agriculture Rural Development, and subject to the income limitations as established by the United States Department of Agriculture.

(7) "Program" means the Elderly Housing Community Loan Program.

(8) "Review Committee" means a committee of five persons who will organize the scoring of the applications. Four will be staff of the Florida Housing Finance Corporation and appointed by the Board of Directors of the Corporation and one will be a staff person of the Florida Department of Elder Affairs. Meetings of the Review Committee shall be at the call of the Chairman who shall also be designated by the Executive Director.

(9) "Section 8 Eligible" means one or more persons or families who have incomes which meet the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as amended, as of February 1995.

(10) "Sponsor" means an Applicant selected for participation in the Program.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History—New 10-2-89, Amended 2-25-96, Formerly 91-32.002, Amended 11-9-98, \_\_\_\_\_.

67-32.003 Notice of Fund Availability.

(1) Applications shall be submitted to the Corporation within the deadline which will be noticed in the Florida Administrative Weekly. The notice shall also be mailed to each person or organization on the Corporation's mailing list for the Program. The application cycle shall be open for 90 days.

(2) Such notice shall provide notice of the temporary reservation of funds established in s. 420.5087(3)(c)2., Florida Statutes.

(3) After scoring and ranking of applications, the appeal period and final loan commitments, any remaining funds shall be made available to Applicants under the State Apartment Incentive Loan Program.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History—New 10-2-89, Formerly 91-32.003, Amended 11-9-98, Repromulgated \_\_\_\_\_.

67-32.004 General Program Restrictions.

(1) Loans shall be subject to the following restrictions:

(a) A loan for life-safety, building preservation, health, sanitation, or security-related repairs or improvements may not exceed \$200,000 per housing community for the Elderly.

(b) Loans under this Program shall be made:

1. For life-safety related installations, modifications, or improvements, building preservation, health, sanitation, or security-related installations, modifications, or improvements as set forth in NFPA 101 (1985) and all publications referenced in Chapter 32 and Appendix B. Examples shall include smoke detectors, smoke detection systems, automatic door closures and alarm systems; and

2. For the purpose of meeting and maintaining the standards set forth in applicable HUD manuals, policies, procedures and Development regulatory agreements to assure a safe and secure environment for Development residents. Examples include emergency call systems, enhanced lighting in halls, stairwells, public areas, and exterior entrances and exits; intercom systems, fencing, security surveillance systems and automated entrance and exit door latch systems.

(2) The Sponsor of the housing community for the Elderly must match at least 15 percent of the loan amount to pay the cost of such repair or improvement.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 9I-32.004, Amended 11-9-98, Repromulgated.

67-32.005 Application Procedures.

(1) The Review Committee shall review all applications that are received by the noticed application deadline. Received means delivery by hand, U. S. Postal Service, or other courier service, to the offices of the Corporation no later than 5:00 p.m., Tallahassee time, on the final day of the application period.

(2) The Corporation hereby adopts and incorporates herein by reference the Elderly Housing Community Loan Program Application packet (adopted \_\_\_\_\_ ~~October 1998~~) which provides forms, instructions and other information necessary for submission of an application under this Program.

(3) Application packets may be obtained from the Corporation, which is located in Suite 5000, City Centre Building, 227 North Bronough Street, Tallahassee, Florida 32301-1329.

(4) All applications must be complete, accurate, legible and timely when submitted. A failure to comply with the aforementioned will result in the application being rejected.

(5) An original and two photocopies of the original application must be submitted.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 9I-32.005, Amended 11-9-98, Amended.

67-32.006 Terms and Conditions of Loan.

(1) All loans shall be in compliance with the Act and shall at a minimum contain the following terms and conditions:

(a) The loans shall be non-amortizing and shall have an interest rate of three percent;

(b) Repayment of interest shall be deferred until maturity of the note;

(c) Repayment of principal shall occur at maturity of the note;

(d) The loan term shall not exceed fifteen years, and shall be established on the basis of a credit analysis of the Applicant. Development cash flow and the financial condition of the Applicant, including available reserve accounts, shall be examined to determine the specific loan term.

(2) The loan shall not be assumable upon Development sale, transfer or refinancing.

(3) If the loan is repaid upon sale, transfer, or refinancing of the Elderly housing community, all available proceeds shall be applied to pay the following items in order of priority:

(a) First Mortgage debt service and fees;

(b) Expenses of the sale;

(c) Elderly Housing Community Loan principal and accrued interest.

(4) The Corporation or an authorized representative of the Corporation shall monitor compliance of all terms and conditions of the loan and shall require that such terms and conditions be recorded in the public records of the county wherein the Development is located. Violation of any term or condition shall constitute a default on the loan.

(5) The Corporation shall require adequate insurance to be maintained on the property as determined by the first mortgage lender, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established by the U. S. Department of Housing and Urban Development or the Farmers' Home Administration in the Program providing the first mortgage loan for the facility.

(6) All loans must provide that any violation of the terms and conditions required by Chapter 67-32 constitute a default under the loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(7) The proceeds of all loans shall be used for life-safety, building preservation, health, sanitation, or security-related repairs or improvements which result in making the Elderly housing community safe and secure, and meeting requirements of state, federal, or local regulation.

(8) Loan proceeds shall not be used to pay for administrative costs, routine maintenance or new construction.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 9I-32.006, Amended 11-9-98, Repromulgated.

67-32.007 Selection Criteria, Rejection Criteria, and Scoring and Ranking Guidelines.

(1) The content of each application shall be evaluated and preliminarily ranked by the Review Committee using the following factors with points being recommended to the Corporation Board by the Review Committee up to the maximum indicated. Final award of points shall be made by the Corporation Board. Details on criteria to be utilized to award full and partial points for each factor shall be provided in the application packet:

(a) Ability of the Applicant to provide matching funds in excess of minimum requirements – 75 points.

(b) Ability to proceed on the Development – 100 points. Points shall be awarded to Applicants able to move quickly to begin and complete the proposed Development.

(c) Economic viability as determined by Corporation staff – 125 points. The Applicant's ability to repay the principal and interest due upon maturity of the note will be evaluated.

(d) Relative priority of type of repair or improvement to be completed – 100 points.

(e) Local government planning and financial contributions to the Development – 100 points.

(2) The Review Committee shall recommend to the Corporation Board a numerical ranking of all Developments. The final ranking shall be made by the Corporation Board. In the event of a tie, the Corporation shall fund all Applicants which achieved tie scores, provided that the tie score places them within funding range, up to the amount of funds available. Should there be insufficient funds available to fund all applications with tie scores, such applications will equally divide available funds for their rank.

(3) An application shall not be considered for funding if it does not score a minimum of 200 points.

(4) An application shall not be considered for funding if it does not reflect that at least a fifteen (15) ~~25~~ percent match is being made by the Applicant to complete the proposed repairs or improvements.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History–New 10-2-89, Formerly 9I-32.007, Amended 11-9-98, \_\_\_\_\_.

67-32.008 Selection for Participation in Program.

(1) The Review Committee shall analyze the proposed Development including financial information and other application materials.

(a) The Corporation shall have the ability to request additional exhibits from the Applicant to clarify application materials or to complete underwriting of the application.

(2) A loan amount shall be determined by the Corporation's Board of Directors following review of the applications and the recommendation of the Review Committee.

(3) Based upon fund availability, the Corporation shall notify Applicants of pre-appeal selection for participation in the Program in order of the Applicant's ranking.

(4) Rejection of an offer of a loan amount will cause the Corporation to make the offer to the next highest ranked Applicant.

(5) If determination of final loan amounts for Applicants selected for participation in the Program results in remaining funds being available, additional Applicants shall be selected for participation by moving down the list of Applicants meeting threshold requirements in rank order.

(6) Final selection for Program participation is contingent upon fund availability after determination of loan amounts and the appeals process.

(7) The loan must close within 90 days of the date of receipt by the Sponsor of the commitment for the loan.

(8) A failure to comply with any part of this section without the written permission of the Corporation will result in the disqualification of the application and withdrawal of the loan commitment.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History–New 10-2-89, Formerly 9I-32.008, Amended 11-9-98, Repromulgated.

67-32.010 Right to Inspect and Monitor Funded Developments.

The Corporation or its agents shall have the right to inspect and monitor the records and facilities of all of the funded Developments. Such inspections may occur without notice at any reasonable time.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c) FS. History–New 10-2-89, Formerly 9I-32.010, Amended 11-9-98, Repromulgated.

67-32.011 Fees.

(1) The Corporation shall collect the following fees and charges in conjunction with the Elderly Housing Community Program loans:

~~(a) Application Package fee of \$20.00 which will entitle the Applicant to one set of rules and the application package;~~

~~(a)(b)~~ Application fee to be paid upon submission of application of ~~\$50~~ ~~\$100~~ per Development for each Elderly Housing Community Program loan requested.

~~(b)(e)~~ Credit underwriting fee ~~(\$2,100)~~ ~~(\$1,000)~~ pursuant to contract between the Corporation and the credit underwriter to be paid to the credit underwriter within seven (7) calendar days after selection for participation in the Elderly Housing Community Loan Program and issuance of post-appeal scores and rankings and prior to credit review by the Corporation's credit underwriter. If a Development involves scattered sites of units within a single market area, a single credit underwriting fee shall be charged.

~~(c)(d)~~ Commitment fee of \$250.00 from each Sponsor to be paid to the Corporation which shall be due upon acceptance of the firm commitment and which is not refundable.

1. Not-for-profit Sponsors who provide a certification indicating that funds will not be available prior to closing shall be permitted to pay the commitment fee at closing.

2. All Sponsors shall remit the commitment fee payable to the Florida Housing Finance Corporation.

~~(d)(e)~~ Inspection and processing fee.

~~(e)(f)~~ Servicing fee equivalent to 25 basis points on the unpaid principal balance of the loan shall be paid annually by the Borrower to Servicer.

(2) Fees are part of Development cost and may be included in a loan commitment if requested in the application and approved by the credit underwriter.

(3) Failure to pay any fee shall cause the firm Elderly Housing Community loan commitment to be terminated or shall constitute a default on the loan.



Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c), 420.507(32.011)(19) FS. History--New 10-2-89, Amended 2-25-96, Formerly 9F-32.011, Amended 11-9-98,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Gayle White, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Sue W. Early, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 20, 1999, Corporation Board Meeting

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** March 26, 1999

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose and Intent	67-48.001
Definitions	67-48.002
Notice of Funding or Credit Availability	67-48.003
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
No Discrimination	67-48.008
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirements for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
HC General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025

Housing Credit Underwriting Procedures	67-48.026
Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030
Termination of Extended Use Agreement and Disposition of Housing Credit Developments	67-48.031
Minimum Set-Aside for Non-Profit Organizations Under HC Program	67-48.032

**PURPOSE AND EFFECT:** The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes; and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and

(2) Administer the Application process, determine Housing Credit amounts and implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

The intent of this Rule Chapter is to encourage public-private partnerships to invest in residential housing; to stimulate the construction and rehabilitation of residential housing which in turn will stimulate the job market in the construction and related industries; and to increase and improve the supply of affordable housing in the State of Florida.

**SUMMARY:** Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior Application Cycles to determine what changes or additions should be added to the Rule, Application and/or QAP. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply in the 2000 Application Cycle.

**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:** 420.507 FS.

**LAW IMPLEMENTED:** 420.5087, 420.5089, 420.5099 FS.

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

**TIME AND DATE:** 10:00 a.m., September 27, 1999

**PLACE:** Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue W. Early, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I – ADMINISTRATION

67-48.001 Purpose and Intent.

The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes; and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and

(2) Administer the Application process, determine Housing Credit amounts and implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

The intent of this Rule Chapter is to encourage public-private partnerships to invest in residential housing; to stimulate the construction and rehabilitation of residential housing which in turn will stimulate the job market in the construction and related industries; and to increase and improve the supply of affordable housing in the State of Florida.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2), 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.001, Amended 11-9-98, Repromulgated.

67-48.002 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, Florida Statutes, as in effect on the date of this Rule Chapter.

(2) "Adjusted Income" means, with respect to a HOME Development, the gross income from wages, income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by HUD, adjusted for family size, minus the deductions allowable under Section 61 of the Code.

(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) "Allocation Authority" means the total dollar volume of Housing Credits available for distribution by the Corporation and authorized pursuant to Section 42 of the Code.

(5) "Annual Owner Compliance Certification Form" or "Form AOC-1" means, with respect to a Housing Credit Development, a report format which is required to be completed and submitted to the Corporation, pursuant to Fla. Admin. Code Ann. r. 67-48.006(6), and is adopted and incorporated herein by reference, effective November 9, 1998.

(6) "Applicable Fraction" means the fraction, the numerator of which is the number of Housing Credit Rent-Restricted Units and the denominator of which is the total number of residential rental units less any unit exempted by Revenue Ruling 92-61, or the fraction, the numerator of which is the floor space of the Housing Credit Rent-Restricted Units and the denominator of which is the total floor space of the residential rental units less any unit exempted by Revenue Ruling 92-61, whichever is less. The Applicable Fraction is applied to the eligible basis of a building to determine the qualified basis of a building for Housing Credit purposes.

(7) "Applicant" means any person or entity, public or private, for-profit or not-for-profit, proposing to build or rehabilitate affordable rental housing (i) with respect to the SAIL and/or HOME Program(s) for Low-Income or Very Low-Income persons or households and (ii) with respect to the HC Program for qualified tenants, as defined in Section 42 of the Code.

(8) "Application" means the completed forms from the Application Package together with exhibits submitted to the Corporation in accordance with this Rule Chapter in order to apply for the SAIL, HOME and/or HC Program(s).

(9) "Application Deadline" means 5:00 p.m., Tallahassee time, on the final day of the Application Period.

(10) "Application Package" or "Form CAP00" ~~CAP99~~ means the computer disks, forms, tabs and instructions thereto, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to the Corporation in accordance with this Rule Chapter in order to apply for the SAIL, HOME, and/or HC Program(s). The Application Package is adopted and incorporated herein by reference, effective November 9, 1998.

(11) "Application Period" means the period during which Applications shall be accepted by the Corporation as described in the Notice of Funding or Credit Availability published in the Florida Administrative Weekly.

(12) "Application Tab Kit" means the tabs and form dividers provided by the Corporation which must be used when submitting an Application.

(13) "Binding Commitment" means, with respect to a Housing Credit Development, an agreement between the Corporation and an Applicant by which the Corporation allocates and the Applicant accepts Housing Credits from a later year's Allocation Authority in accordance with Section 42(h)(1)(C) of the Code.

(14) "Board of Directors" or "Board" means the Board of Directors of the Corporation.

(15) "Building Identification Number" means, with respect to a Housing Credit Development, the number assigned by the Corporation to describe each building in a Housing Credit Development, pursuant to Internal Revenue Service Notice 88-91.

(16) "Carryover" means the provision under Section 42 of the Code which allows a Development, under certain conditions allowed by Section 42 of the Code, to receive a Housing Credit Allocation in a given calendar year and be placed in service within a period of two calendar years from the date the Applicant qualifies for Carryover, pursuant to Fla. Admin. Code Ann. r. 67-48.028.

(17) "Code" means the Internal Revenue Code of 1986, as in effect on the date of this Rule Chapter, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States.

(18) "Commercial Fishing Worker" means a laborer who is employed on a seasonal, temporary, or permanent basis in fishing in saltwater or freshwater and who derived at least 50% of his income in the immediately preceding 12 calendar months from such employment. The term includes a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired due to age, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a commercial fishing worker. In order to be considered retired due to disability or illness, a person must:

(a) Establish medically that the person ~~he~~ is unable to be employed as a commercial fishing worker due to such ~~that~~ disability or illness; and

(b) Establish that he or she was previously employed as a commercial fishing worker.

(19) "Commercial Fishing Worker Household" means a household of one or more persons wherein at least one member of the household is a Commercial Fishing Worker.

(20) "Community Housing Development Organizations" or "CHDO's" means private non-profit organizations that are organized pursuant to the definition in the HUD Regulations.

(21) "Compliance Period" means, with respect to a SAIL Development, a minimum period of 15 years from the date the first residential unit is occupied; with respect to a HOME Development, a minimum period of 15 years for rehabilitation Developments and 20 years for new construction Developments, beginning from the date the first residential unit is occupied; However, for SAIL and HOME Developments which contain occupied units to be rehabilitated, the Compliance Period shall begin at closing of the SAIL or HOME loan. Wwith respect to any building that is included in a Housing Credit Development, "Compliance

Period" means a minimum period of 15 years beginning on the first day of the first taxable year of the Housing Credit Period with respect thereto in which a Housing Credit Development shall continue to maintain the Housing Credit Set-Aside chosen by the Applicant in the Application, pursuant to Section 42 of the Code.

(22) "Consolidated Plan" means the plan prepared in accordance with HUD Regulations, 24 CFR § 91 (1994), which describes needs, resources, priorities and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program.

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

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

(25) "Credit Underwriter" means the legal representative under contract with the Corporation having the responsibility for providing stated credit underwriting services. Such services shall include a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, the evidence of need for affordable housing in order to determine that the Development meets the program requirements and determine a recommended SAIL or HOME loan amount, housing credit allocation amount or a combined SAIL or HOME loan amount and a housing credit allocation amount, if any.

(26) "Default Interest Rate" means 18% per annum.

(27) "Department" or "DCA" means the Department of Community Affairs of the State of Florida.

(28) "Development Costs" means with respect to the SAIL and HOME Programs the sum total of all costs incurred in the completion of a Development, all of which shall be subject to the approval by the Credit Underwriter and the Corporation as reasonable and necessary. Such costs include, for example, the following:

(a) The cost of acquiring real property and any buildings thereon, including payment for options, deposits, or contracts to purchase properties.

(b) The cost of site preparation, demolition, and development.

(c) Any expenses relating to the issuance of tax-exempt bonds or taxable bonds, if any, related to the particular Development.

(d) Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, and the Corporation.

(e) The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction, rehabilitation, or reconstruction of the Development.

(f) The cost of the construction, rehabilitation, and equipping of the Development.

(g) The cost of land improvements, such as landscaping and offsite improvements related to the Development, whether such costs are paid in cash, property, or services.

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

(i) Allowances established by the Corporation for working capital, contingency reserves, and reserves for any anticipated operating deficits during the first 2 years after completion of the Development.

(j) The cost of such other items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for the Corporation's bonds, as the Corporation shall determine to be reasonable and necessary for the construction or rehabilitation of the Development.

(29) "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.

(30) "Development Cash Flow" means, with respect to SAIL Developments, actual cash flow of a SAIL Development as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles and as adjusted for items including but not limited to extraordinary fees and expenses, payments on debt subordinate to the SAIL loan and capital expenditures.

(31) "Development Expenses" means, with respect to SAIL Developments, usual and customary operating and financial costs. As it relates to the application of Development Cash Flow described in Fla. Admin. Code Ann. R. 67-48.010(4), the term does not include extraordinary capital expenses, developer fees and other non-operating expenses.

(32) "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.

(33) "Draw" means the disbursement of funds to a Development under the SAIL and/or HOME Program(s).

(34) "Elderly" means a person 62 years of age or older. With respect to the HOME and HC Programs, persons meeting the Federal Fair Housing Act requirements for Elderly shall be considered Elderly.

(35) "Elderly Household" describes a household of one or more persons wherein at least one-half of the residents is Elderly.

~~(36) "Eligible Localities" means those counties and cities identified within Form 17 of the Application Package as jurisdictions which do not receive HOME entitlements directly from HUD.~~

~~(36)(37)~~ "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 in the different areas of the state.

(c) Whether the determination is for rental housing.

(d) The need for family size adjustments to accomplish the purposes set forth in this Rule Chapter.

With respect to the HC Program, an "Eligible Person" or "Eligible Household" shall mean one or more persons or a family having a combined income which meets the income eligibility requirements of the Program and Section 42 of the Code.

~~(37)(38)~~ "Executive Director" means the Executive Director of the Corporation.

~~(38)(39)~~ "Extended Use Agreement" or "Extended Low-Income Housing Agreement" means, with respect to the HC Program, an agreement between the Corporation and the Applicant which sets forth the Set-Aside requirements and other Development requirements, if any, under the HC Program.

~~(39)(40)~~ "Family" or "Family Household" describes a household composed of one or more persons.

~~(40)(41)~~ "Farmworker" means any laborer who is employed on a seasonal, temporary or permanent basis in the planting, cultivating, harvesting or processing of agricultural or aquacultural products and who has derived at least 50% of his income in the immediately preceding 12 calendar months from such employment. "Farmworker" also includes a person who has retired as a laborer due to age, disability or illness. In order to be considered retired from farmwork due to age, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker immediately preceding retirement. In order to be considered retired from farmwork due to disability or illness, it must be:

(a) Medically established that the person is unable to be employed as a farmworker due to such disability or illness; and

(b) Established that he or she had previously met the definition of Farmworker.

~~(41)~~~~(42)~~ "Farmworker Household" means a household of one or more persons wherein at least one member of the household is a Farmworker.

~~(42)~~~~(43)~~ "Farmer's Home" or "FmHA" means the Farmer's Home Administration of the United States Department of Agriculture, which is now known as "USDA - Rural Development" or "RD" and formerly known as "Rural Economic and Community Development" or "RECD".

~~(43)~~~~(44)~~ "Financial Beneficiary" means one who is to receive a financial benefit of:

(a) 3% or more of total Development Cost (including deferred fees) if total Development Cost is \$5 million or less; and

(b) 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if total Development Cost is greater than \$5 million.

This definition includes any party which meets the above criteria, such as the Developer and its principals and principals of the Applicant entity. This definition does not include third party lenders, Housing Credit Syndicators, Credit Enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are within the limit described in Rule 67-48.002~~(47)~~~~(48)~~, F.A.C.

~~(44)~~~~(45)~~ "Final Cost Certification" or "Form FCCA" means, with respect to a Housing Credit Development, that Form FCCA which is adopted and incorporated herein by reference, revised \_\_\_\_\_ June 1998, and which shall be used by an Applicant to itemize all expenses incurred in association with construction or rehabilitation of a Housing Credit Development. Such form will be made available from the Corporation and shall be completed, executed and submitted to the Corporation, as specified in Fla. Admin. Code Ann. r. 67-48.023(7)-(8), along with the recorded Extended Use Agreement, a copy of the syndication agreement disclosing the rate and all terms, the required certified public accountant opinion letter, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in FCCA instructions. The Final Housing Credit Allocation will not be issued until such time as all items in the preceding sentence are received and processed by the Corporation.

~~(45)~~~~(46)~~ "Final Housing Credit Allocation" means, with respect to a Housing Credit Development, the issuance of Housing Credits by the Corporation ~~Executive Director~~ to an Applicant upon completion of construction or rehabilitation of a Development and submission to the Corporation by the Applicant of a completed and executed Form FCCA pursuant to Fla. Admin. Code Ann. r. 67-48.023(7)-(8).

~~(46)~~~~(47)~~ "Funding Cycle" means the period of time commencing with the Notice of Funding or Notice of Credit Availability pursuant to this Rule Chapter and concluding with the issuance of Allocations or loans to Applicants who applied during a given Application Period.

~~(47)~~~~(48)~~ "General Contractor" means a duly licensed entity which, to be eligible for the maximum 14% fee, must meet the following conditions:

(a) A project superintendent must be employed by the General Contractor and the costs of that employment must be charged to the general requirements line item of the General Contractor's budget;

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

(c) Building permits must be 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 acceptable guarantee) must be issued in the name of the General Contractor; and

(e) Not more than 20% of the Development cost is sub-contracted to any one entity unless otherwise approved by the Board for a specific Development.

~~(48)~~~~(49)~~ "Geographic Set-Aside" means, with respect to a Housing Credit Development, the amount of Allocation Authority which has been designated by the Corporation to be allocated for Housing Credit Developments located in specific geographical regions within the State of Florida pursuant to the Qualified Allocation Plan.

~~(49)~~~~(50)~~ "HC Program" means the Low-Income or Very Low-Income rental housing program administered by the Corporation pursuant to Section 42 of the Code and Section 420.5099, Florida Statutes, under which the Corporation is designated the Housing Credit agency for the State of Florida within the meaning of Section 42(h)(7)(A) of the Code, and this Rule Chapter.

~~(50)~~~~(51)~~ "HOME" or "HOME Program" means the HOME Investment Partnerships Program pursuant to the HUD Regulations.

~~(51)~~~~(52)~~ "HOME-Assisted Unit" means the specific units that are funded with HOME funds. HOME units shall adhere to rent controls and income targeting requirements pursuant to 24 CFR § 92.252.

~~(52)~~~~(53)~~ "HOME Development" means any Development which receives financial assistance from the Corporation under the HOME Program.

~~(53)~~~~(54)~~ "HOME Minimum Set-Aside Requirement" means the minimum set-aside requirement of 20% of the HOME-Assisted Units in the Development shall be rented to persons at 50% of the median income adjusted for family size

and 80% of the HOME-Assisted Units in the Development shall be rented to persons at 60% of the median income adjusted for family size.

~~(54)(55)~~ "HOME Rental Development" means a Development proposed to be constructed or rehabilitated with HOME funds. A Development which is under construction may be eligible to apply for HOME funds only if the building permit is dated within 6 months from the Application Deadline and the Development certifies compliance with federal labor standards (if more than 12 HOME-Assisted Units).

~~(55)(56)~~ "HOME Rent-Restricted Unit" means the maximum allowable rents designed to ensure affordability on the HOME-Assisted Units:

(a) High HOME rent means 80% of the HOME-Assisted Units in a Development must have rents set at no more than the lesser of the Section 8 Fair Market Rent (FMRs) or rents that are 30% for a Family at 65% of median income limit, minus tenant-paid utilities.

(b) Low HOME rent means 20% of the HOME-Assisted Units in a Development must have rents set at no more than the lesser of the Section 8 Fair Market Rent (FMRs), or 30% of the gross income of a Family at 50% of the area median income, minus tenant-paid utilities.

~~(56)(57)~~ "Housing Credit" means the tax credit issued in exchange for the development of rental housing pursuant to Section 42 of the Code and the provisions of this Rule Chapter 67-48, F.A.C.

~~(57)(58)~~ "Housing Credit Allocation" means the amount of Housing Credits determined by the Corporation as necessary to make a Development financially feasible and viable throughout the Development's Housing Credit Compliance Period pursuant to Section 42(m)(2)(A) of the Code.

~~(58)(59)~~ "Housing Credit Extended Use Period" means, with respect to any building that is included in a Housing Credit Development, the period that begins on the first day of the Compliance Period in which such building is part of the Development and ends on the later of: (i) the date specified by the Corporation in the Extended Use Agreement or (ii) the date that is the fifteenth anniversary of the last day of the Compliance Period, unless earlier terminated as provided in Section 42(h)(6) of the Code.

~~(59)(60)~~ "Housing Credit Period" means with respect to any building that is included in a Housing Credit Development, the period of 10 years beginning with:

(a) the taxable year in which such building is placed in service, or

(b) at the election of the Developer, the succeeding taxable year.

~~(60)(61)~~ "Housing Credit Development" means the proposed or existing rental housing Development(s) for which Housing Credits have been applied for or received.

~~(61)(62)~~ "Housing Credit Rent-Restricted Unit" means, with respect to a Housing Credit Development, a unit for which the gross rent does not exceed 30% of the imputed income limitation (Low-Income or Very Low-Income) applicable to such unit as chosen by the Applicant in the Application and in accordance with the Code. Gross rent must be determined from the rent charts included in the Application and must correspond to the percentage of area median income committed to by the Applicant in the Application.

~~(62)(63)~~ "Housing Credit Set-Aside" means the number of units in a Housing Credit Development necessary to satisfy the percentage of Low-Income or Very Low-Income units chosen by the Applicant in the Application.

~~(63)(64)~~ "Housing Credit Syndicator" means a person, partnership, corporation, trust or other entity that regularly engages in the purchase of interests in entities that produce Qualified Low Income Housing Projects (as defined in Section 42(g) of the Internal Revenue Code) and provides at least one written reference in the Application that such person, partnerships, corporation, trust or other entity has performed its obligation under the partnership agreements and is not currently in default under those agreements.

~~(64)(65)~~ "Housing Provider" means, with respect to a HOME Development, local government, consortia approved by HUD under the HUD Regulations, for-profit and non-profit Developers, and qualified CHDO's, with demonstrated capacity to construct or rehabilitate affordable housing.

~~(65)(66)~~ "HUD" means the U. S. Department of Housing and Urban Development.

~~(66)(67)~~ "HUD Regulations" means, with respect to the HOME Program, the regulations of HUD in 24 CFR § 92 (1994) issued under the authority of Title II of the National Affordable Housing Act of 1990 (Public Law 101-625, November 28, 1990), as in effect on the date of this Rule Chapter.

~~(67)(68)~~ "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~~ ~~January 1998~~, and which shall be used to certify the income of all tenants residing in a set-aside unit in a Development.

~~(68)(69)~~ "Local Government" means a unit of local general-purpose government as defined in Section 218.31(2), F.S. (1995).

~~(69)(70)~~ "Low Income" means, with respect to the HOME Program, income which does not exceed 80% of the median income for the area, as determined by HUD, with adjustments for family size, except that HUD may establish income ceilings higher or lower than 80% of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes, provided;

however, with respect to the HC Program, "Low Income" shall mean income which is at or below 50% or 60% of the area median income, adjusted for family size, whichever is elected.

~~(70)(74)~~ "Match" means non-federal contributions to a HOME Development eligible pursuant to the HUD Regulations.

~~(71)(72)~~ "Non-Profit" means a qualified non-profit entity as defined in the HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51% of the ownership interest in the Development held by the general partner entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing. Qualification as a Non-Profit entity must be evidenced to the Corporation by the receipt from the Applicant, upon Application, of a written opinion from legal counsel. The total cost of securing this written legal opinion will be borne entirely by the Applicant. A Non-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement and/or the Extended Use Agreement. If an Applicant submits Application to the Corporation as a Non-Profit entity but does not qualify as such, the Applicant will be disqualified from participation for the current cycle.

~~(72)(73)~~ "Note" means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money for the SAIL or HOME Program loan together with interest on a specified date. The Note will provide the interest rate and will be secured by a mortgage.

~~(73)(74)~~ "Portfolio Diversification" means a distribution of SAIL and HOME Program loans to Developments in varying geographic locations with varying design structures and size and with different types and identity of Sponsors.

~~(74)(75)~~ "Preliminary Allocation" means a non-binding reservation of Housing Credits issued by the Corporation Executive Director to a Housing Credit Development which has successfully completed the credit underwriting process and demonstrated a need for Housing Credits.

~~(75)(76)~~ "Preliminary Determination" means an initial determination by the Corporation of the amount of Housing Credits outside the Corporation's Allocation Authority needed from the Treasury to make a Tax-Exempt Bond-Financed Development financially feasible and viable.

~~(76)(77)~~ "Principal" means an Applicant, any general partner of an Applicant, and any officer, director, or any shareholder of any Applicant or shareholder of any general partner of an Applicant.

~~(77)(78)~~ "Program" or "Programs" means the SAIL, HOME and/or HC Program(s) as administered by the Corporation.

~~(78)(79)~~ "Program Report" or "Form PR-1" means the report format which is required to be completed and submitted to the Corporation pursuant to Fla. Admin. Code Ann. r. 67-48.006 and is adopted and incorporated herein by reference, effective November 9, 1998.

~~(79)(80)~~ "Progress Report" or "Form Q/M Report" means, with respect to a Housing Credit Development, a report format that is required to be completed and submitted to the Corporation pursuant to Fla. Admin. Code Ann. r. 67-48.028~~(4)(3)~~, and is adopted and incorporated herein by reference, effective July 22, 1996.

~~(80)(81)~~ "Project," "Property" or "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 for persons or families, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, together with such related non-housing facilities as the Corporation determines to be necessary, convenient, or desirable.

~~(81)(82)~~ "Qualified Allocation Plan" or "QAP" means, with respect to the HC Program, the Qualified Allocation Plan which is adopted and incorporated herein by reference, effective November 9, 1998, and which was approved by the Governor of the State of Florida on ~~September 25, 1998~~, pursuant to Section 42(m)(1)(B) of the Code and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits.

~~(82)(83)~~ "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.

~~(83)(84)~~ "Recap of Tenant Income Certification Information" or "Form AR-1" means, with respect to the HOME and/or HC Program(s), a report format which is required to be completed and submitted to the Corporation pursuant to this Rule Chapter and is adopted and incorporated herein by reference, effective November 9, 1998.

~~(84)(85)~~ "Rehabilitation" means, with respect to the HOME Program, the alteration, improvement or modification of an existing structure. It also includes moving an existing structure to a foundation constructed with HOME funds. Rehabilitation may include adding rooms outside the existing walls of a structure, but adding a housing unit is considered new construction. "Rehabilitation" means, with respect to the Housing Credit Program, what is stated in Sec. 42 (e) of the

IRC with the exception of Sec. 42(e) (3) (A) (II) which is changed to read: "II. The requirement of this subclause is met if the qualified basis attributable to such amount, when divided by the number of low-income units, in the building, is \$6,000 or more.

~~(85)(86)~~ "Return on Equity" means, with respect to SAIL Developments, the amount of income from the SAIL Development that may accrue to the Sponsor as investment earnings on SAIL Equity contributed to the SAIL Development, not to exceed 12% per annum.

~~(86)(87)~~ "Review Committee" means a committee of seven FHFC staff persons appointed by the Board who will oversee the scoring of the Applications. Meetings of the Review Committee shall be at the call of the Chairperson of the Review Committee who shall be appointed by the Executive Director.

~~(87)(88)~~ "Rural Development" or "RD" or "USDA-RD" means (previously called "Farmer's Home Administration" or "FmHA") the United States Department of Agriculture-Rural Development or other agency or instrumentality created or chartered by the United States to which the powers of the RD have been transferred.

~~(88)(89)~~ "SAIL" or "SAIL Program" means the State Apartment Incentive Loan Program created pursuant to Section 420.5087, Florida Statutes.

~~(89)(90)~~ "SAIL Equity" means the cash contributed towards the construction of a SAIL Development at the time of the SAIL loan closing and the purchase price of land less any land debt financed.

(a) For a public or Non-Profit Sponsor or Developer, an outright grant of funds, not to exceed 15% of Development cost minus SAIL Equity provided as described above.

(b) For a public or Non-Profit Sponsor or Developer, a loan subordinate to the SAIL loan from a local government may be considered "SAIL Equity".

The rate used to calculate Return on Equity on such loan shall not exceed the lesser of the loan rate or 12%.

~~(90)(91)~~ "SAIL Development" means a residential development which provides one or more housing units proposed to be constructed or substantially rehabilitated with SAIL funds for Eligible Persons. A SAIL Development which is under construction, in the process of rehabilitation or which has been completed may be considered for SAIL Program funding only if:

(a) The pro forma submitted for the SAIL Development in other programs of the Corporation within the last year reflected SAIL funding;

(b) Permanent financing of the costs associated with construction or rehabilitation of the SAIL Development has not closed as of the date the SAIL loan Application was received by the Corporation; and

(c) The Application and attached exhibits demonstrate that SAIL funds will enable the SAIL Development to provide at least 10% lower rents, provide additional amenities, or incorporate some additional features which benefit Very Low-Income persons or households.

Developments that are not eligible to obtain SAIL funds are those Developments that have already received funding through the SAIL Program. Developments that have extraordinary conditions such as acts of God, restrictions of any Governmental Authority, enemy action, civil disturbance, fire, or any other act beyond the reasonable control of the Developer will need to approach the Board to obtain permission to process an Application through SAIL for additional funding.

~~(91)(92)~~ "SAIL Minimum Set-Aside Requirement" means the least number of set-aside units in a SAIL Development which must be held for Very Low-Income persons or households pursuant to the category (i.e., Family; Elderly; or Farmworker and Commercial Fishing Worker) under which the Application has been made. The SAIL Minimum Set-Aside Requirement shall be either (a) 20% of the SAIL Development's units set-aside for tenants (i.e., Family; Elderly; or Farmworker and Commercial Fishing Worker) with annual household incomes at or below 50% of the area, metropolitan statistical area ("MSA") or state median income, adjusted for family size, whichever is higher, or (b) 40% of the SAIL Development's units set aside for tenants (i.e., Family; Elderly; or Farmworker and Commercial Fishing Worker) with annual household incomes at or below 60% of the area, MSA or state median income, whichever is higher, adjusted for family size. Sponsors of SAIL-funded Developments shall have the option of selecting (b) above only if the SAIL Development is scheduled to be assisted with Housing Credits, in addition to the SAIL loan.

~~(92)(93)~~ "Section 8 Eligible" means one or more persons or families who have incomes which meet the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as in effect on the date of this Rule Chapter.

~~(93)(94)~~ "Single Room Occupancy" or "SRO" means housing, consisting of single room dwelling units, that is the primary residence of its occupant or occupants. Each ~~The~~ unit must contain either food preparation or sanitary facilities (and may contain both) if the Development consists of new construction, conversion of non-residential space, or reconstruction. For acquisition or rehabilitation of an existing structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by the tenants. An SRO does not include facilities for Students.



~~(94)(95)~~ "Site Control Loans" means, with respect to a HOME Development, funds provided to cover Development expenses necessary to determine Development feasibility, including costs of an initial feasibility study, consulting fees, costs of preliminary financial applications, legal fees, architectural fees, engineering fees, engagement of a development team, site control and title clearance. General operational expenses of a CHDO are not allowable expenses.

~~(95)(96)~~ "Sponsor" means any individual, association, corporation, joint venture, partnership, trust, local government, or other legal entity or any combination thereof which:

(a) Has been approved by the Corporation as qualified to own, construct, acquire, rehabilitate, reconstruct, operate, lease, manage, or maintain a Development; and

(b) Except for a local government, has agreed to subject itself to the regulatory powers of the Corporation.

~~(96)(97)~~ "Student" means, with respect to a SAIL and Housing Credit Development(s), for the purposes of income certification, any individual who is, or will be, a full-time student at an educational institution during 5 months of the year, or a correspondence school with regular facilities. "Student" shall not be construed to include persons participating in an educational or training program approved by the Corporation.

~~(97)(98)~~ "Substantial Rehabilitation" means, with respect to the SAIL Program, to bring a Development back to its original state with added improvements, where the value of such repairs or improvements (excluding the costs of acquiring or moving a structure) exceeds 40% of the appraised as is value (excluding land) of such Development before repair. For purposes of this definition, the value of the repairs or improvements means the Development Costs, exclusive of the cost of acquiring or moving the structure. To be considered "Substantial Rehabilitation," there must be at least the foundations remaining from the previous structures, suitable to support the proposed construction.

~~(98)(99)~~ "Tax Exempt Bond-Financed Development" means a Development which has been financed by the issuance of tax-exempt bonds subject to applicable volume cap pursuant to Section 42(h)(4) of the Code.

~~(99)(100)~~ "Treasury" means the United States Department of Treasury or other agency or instrumentality created or chartered by the United States to which the powers of the Department of Treasury have been transferred.

~~(100)(101)~~ "Very Low-Income" means

(a) With respect to the SAIL Program,

1. If using tax-exempt bond financing for the first mortgage, income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as in effect on the date of this Rule Chapter; or

2. If using taxable financing for the first mortgage, total annual gross household income which does not exceed 50% of the median income adjusted for family size, or 50% of the

median income adjusted for family size for households within the MSA, within the county in which the person or family resides, or within the State of Florida, whichever is greater; or

3. If used in a Development using Housing Credits, income which meets the income eligibility requirements of Section 42 of the Code; or

(b) With respect to the HOME Program, income which does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for family size, except that HUD may establish income ceilings higher or lower than 50% of the median for the area on a basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

(c) With respect to the HC Program, if residing in a Development using the Housing Credit, income which is at or below 40% or 45% of the area median income whichever is selected in the Application.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.002, Amended 11-9-98, \_\_\_\_\_.

67-48.003 Notice of Funding or Credit Availability.

(1) Applications shall be received by the Corporation by the deadline noticed in the Florida Administrative Weekly, which notice shall be published at least 60 calendar days prior to any such deadline. Such notice shall also be mailed to each person and entity on the Corporation's HOME/SAIL/HC mailing list.

(2) With respect to the SAIL, HOME and HC Programs, funds will initially be allocated as necessary to satisfy any judgment of a court of law or recommended order of a hearing officer or administrative law judge or settlement agreement in connection with litigation with respect to a previous cycle.

~~(3)(2)~~ With respect to the HOME Program, said notice shall also set forth the allocation authority available for eligible activities enumerated in Fla. Admin. Code Ann. r. 67-48.018 as follows:

(a) The Corporation shall utilize up to 10% of the HOME allocation for administrative costs pursuant to the HUD Regulations.

(b) The Corporation shall utilize at least 15% of HOME allocation for CHDO's pursuant to the HUD Regulations, to be divided between the multifamily and single family cycles as approved by the Board of Directors. In order to apply under the CHDO set-aside, Applicants must have at least 51% ownership interest in the Development held by the General Partner entity.

(c) Within the multifamily cycle administered pursuant to Fla. Admin. Code Ann. r. 67-48, the Corporation will distribute funds ~~give funding priority to Applications for proposed Developments located in Eligible Localities. Funds will be distributed~~ in the following order:

1. Funds will be allocated to qualified CHDO's ~~located in Eligible Localities~~, in order of ranking, until 15% of the available funds have been allocated.

~~2. If the Corporation is unable to allocate 15% of the available funds to qualified CHDO's located in Eligible Localities due to insufficient eligible Applications, the Corporation will next allocate to qualified CHDO Applicants, in order of ranking, regardless of location, the additional funds necessary to reach the 15% set-aside amount.~~

~~2.3.~~ The remaining funds will then be allocated to Applications for proposed Developments ~~located in Eligible Localities~~, in order of ranking.

~~4. If the Corporation is unable to allocate the remaining funds to Applications for proposed Developments located in Eligible Localities due to insufficient eligible Applications, the Corporation will then allocate any remaining funds to Applications regardless of location.~~

(d) The Board shall determine any geographic or other targeting requirements that will be included in said notice and published in the Florida Administrative Weekly and mailed to all interested parties on the Corporation mailing list.

~~(4)(3)~~ With respect to the HC Program, said notice shall also set forth the anticipated Allocation Authority and any geographic or other targeting requirements.

~~(5)(4)~~ After selection of Applicants is made pursuant to Fla. Admin. Code Ann. r. 67-48.004, the availability of any remaining funds or Allocation Authority shall be noticed in the same manner as detailed in subsections (1) and ~~(3)(2)~~ above or offered to a Development as approved by the Board of Directors or, for purposes of the HC Program, in accordance with the QAP.

~~(6)(5)~~ With respect to the HC Program, the Corporation shall be exempt from the notice requirements in subsections (1) and ~~(4)(3)~~ above if, during any Funding Cycle, the Corporation has not fully used its Allocation Authority for any reason and the Corporation determines that:

(a) A new Funding Cycle is necessary in order for the Corporation to distribute the balance of its Allocation Authority to eligible Developers; and

(b) Due to the shortness of the time remaining in the calendar year, the delay resulting from compliance with the notice requirements in subsections (1) and ~~(4)(3)~~ above would interfere with the ability of the Corporation to distribute the balance of its Allocation Authority.

~~(7)(6)~~ With respect to the HC Program, in the event there remains Allocation Authority after the Corporation has exhausted its waiting list of Applicants during a Funding Cycle and time requirements preclude an Application Period and notice thereof, the Corporation shall allocate any unused Allocation Authority to any eligible Development meeting the requirements of the Code and in accordance with the Qualified Allocation Plan.

~~(8)(7)~~ With respect to the SAIL Program, said notice shall also set forth minimum and maximum funding distribution levels by geographic category, as well as information related to demographic distribution objectives.

~~(9)(8)~~ In the event of a federally declared disaster, any Allocation Authority not preliminarily allocated, as well as any Authority remaining after Preliminary Allocation, may be diverted to one or more federally declared disaster areas.

~~(10)(9)~~ Prior to the issuance of The Notice of Funding or Credit Availability, ~~Florida Housing Finance Corporation's Board can allocate a specific~~ shall reference the amount of allocation housing credits to be set aside for Demonstration Developments or in connection with Developments receiving a State Housing Tax Credit allocation authorized by Section 220.185, Florida Statutes.

Specific Authority 420.507, FS. Law Implemented 420.5087, 402.5089, 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.003, Amended 11-9-98, \_\_\_\_\_.

67-48.004 Application and Selection Procedures for Developments.

(1) The Corporation hereby adopts by reference the Application Package (Form CAP 0099) which provides forms, computer disks, tabs, threshold requirements, instructions and other information necessary for submission of an Application under each Program.

(2) Application Packages may be obtained for a fee in accordance with this Rule Chapter, from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(3) All Applications must be complete, accurate, legible and timely when submitted. All Applications must be received by the Application Deadline as specified in the Notice of Funding or Credit Availability for each Program. Neither Applications nor any additional or replacement items will be accepted by facsimile machine. Subject to the limited exceptions contained within Rule 67-48.005, F.A.C., oOnce the Application has been received by the Corporation, no additions, deletions, or changes will be accepted for Application or scoring purposes. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation's facilities or equipment for purposes of compiling or completing an Application. Applications must be submitted on the forms provided in the Application Package or on forms generated by the computer disks provided in the Application Package. Failure to comply with this provision will result in rejection of the Application. Exhibits must be placed behind each form to which they refer. Failure to submit an Application completed in ~~strict~~ accordance with the Application instructions will result in a reduction of points awarded or rejection in accordance with the instructions in the Application.

(4) An original and ~~three~~ ~~two~~ photocopies of the original Application shall be securely bound in separate three ring binders with numbered index tabs for each form and exhibit with the materials provided in the Application Package when submitted. The submitted Application which is considered the original ~~shall~~ ~~must~~ contain authentic, penned in ink signatures on those forms which specifically request original signatures. Signatures which are faxed, scanned, photocopied, or otherwise duplicated will not be considered acceptable signatures within the original Application and will cause rejection of the Application, unless the form containing the original signature is located in one of the copies of the Application, in which case the five-point penalty shall be applied in accordance with Application Instructions.

(5) Applications shall be limited to one submission per subject property with exception of Tax-Exempt Bond-Financed Developments applying noncompetitively for Housing Credits.

(6) If any Applicant, an Affiliate of an Applicant, or a partner of a limited investment 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 will be ineligible to participate in any program administered by the Corporation for a period of up to two fiscal years, which will begin from the date the Board approves the disqualification of the Applicant's Application.

(7) The Corporation shall reject an Application if:

(a) The Application has not been submitted in accordance with the Application Package and as specified in this Rule Chapter and accompanying instructions provided by the Corporation;

(b) The Development is inconsistent with the purposes of the SAIL, HOME and/or HC Program(s) or does not conform to the Application requirements specified in this Rule Chapter;

(c) The Applicant fails to achieve the threshold requirements as detailed in the Application Package;

(d) The Applicant fails to file its Application by the Application Deadline;

(e) The Applicant fails to file the entire Application which was provided by the Corporation and adopted under this Rule Chapter;

(f) The Application is not accompanied by the correct Application fee as specified in this Rule Chapter;

(g) The Application is scanned or submitted on altered or retyped forms; or

(h) The Application fails to score within the funding range for HC if applying for SAIL and HC or HOME and HC. Further, if the Applicant's SAIL or HOME score is not sufficient for SAIL or HOME funding, HC will not be awarded.

(8) A Development will be withdrawn from funding and any outstanding commitments for funds or HC will be rescinded if at any time:

(a) The Board determines that the Applicant deliberately misrepresented information in its Application in order to obtain points on its Application, or

(b) The Board determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

(9) If an Applicant or any Principal or Affiliate of an Applicant or a Developer has failed to place-in-service a Development which received a HC allocation or has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code or this Rule Chapter at the time of ~~credit underwriting submission of the Application~~ and the cure period granted for correcting such non-compliance has ended, the requested allocation will be denied and the Applicant and the Affiliates of the Applicant or Developer ~~will be~~ ~~are~~ prohibited from new participation in any of the Programs for a period of one year and until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(10) The Review Committee shall review all Applications that are received by the Application Deadline. For the purpose of this subsection "received" means delivery by hand, U. S. Postal Service or other courier service, in the office of the Corporation no later than 5:00 p.m., Tallahassee time, on the Application Deadline as specified in the Notice of Funding or Credit Availability.

(11) The Application Package shall be evaluated and preliminarily ranked using the factors specified in the Application Package.

(12) Preliminary scores and rankings shall be transmitted to all Applicants, along with notice of appeal rights. Following completion of appeals, final award of points shall be submitted to the Board for approval.

(13) The Review Committee may use other Corporation staff, Department staff or professional consultants to assist in reviewing certain portions of the Application.

(14) With respect to the HOME and HC Program Applications, when two or more Applications receive the same numerical score, the Application which has the higher total score on Forms 3, 4, and 7 shall be ranked higher. With respect to the SAIL Program, when two or more Applications receive the same numerical score, the Corporation shall give priority to the Application which conforms to the geographic distribution detailed in section 420.5087(1), Florida Statutes. With respect to the SAIL, ~~and HOME and HC~~ Program Applications, if two or more Applications remain tied, the Corporation shall give priority to the Application with the lowest percentage based on

the following Form 10 calculation: SAIL or HOME loan amount divided by the lower of Actual Total Development Cost or Threshold Total Development Cost. With respect to the HC Program Applications, if two or more Applications remain tied, the Corporation shall give priority to the Application with the lowest amount of HC requested per set-aside unit, as calculated on Form 10. Finally with respect to the SAIL, HOME and HC Applications, if two or more Applications continue to remain tied, priority will be given to the Application which was received earlier by the Corporation the following calculation will be performed and the Application which receives the lower number ranks higher: Square footage of constructed/rehabilitated buildings as shown on Form 1 times the percentage of residential units the Applicant is committing to set aside. The total sum of Corporation funds requested, including equity received from syndication of housing Credits, is then divided by the number resulting from the calculation in the previous sentence.

(15) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development.

(16) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is mandated by local, state or federal governmental authorities, or otherwise approved by the Corporation. Evidence of such mandate must be submitted to the Corporation within 30 calendar days of notification by the local, state or federal authorities.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, 4-6-98, Formerly 9F-48.004, Amended 11-9-98.

#### 67-48.005 Applicant Administrative Appeal Procedures.

(1) Following the Review Committee's determination of preliminary scores and ranking, notice of intended funding or denial of funding will be provided to each Applicant with a statement that:

(a) Applicants who wish to contest the decision relative to their own Application must petition for review of the decision in writing within 21 ~~40~~ calendar days of the date of receipt of the notice. The request must specify in detail the forms and the scores sought to be appealed. In its petition for review, the Applicant shall have the opportunity to cure transpositional or scrivener's errors that do not otherwise materially affect the Application and correct exhibits to the Application, provided that the original of such exhibit was properly recorded in the public records of its county of origin or was on file with the Secretary of State's Office for the State of Florida at the time the Application was submitted. Notwithstanding the ability to cure, a single five-point penalty will be applied in accordance with the Application Instructions. Unless the appeal involves disputed issues of material fact, the appeal will be conducted

on an informal basis. The Review Committee will review the appeal and will provide to the Applicant a written position paper which recommends either no change in score or an increase or decrease in a score which it deems to be in error. If the Applicant disagrees with the Review Committee's recommendation, the Applicant will be given an opportunity to participate in the informal administrative appeal hearings scheduled by the Review Committee. If the appeal raises issues of material fact, a formal administrative hearing will 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.

(b) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant's Application must file with the Corporation, within 21 ~~40~~ calendar days of the date of receipt of the notice, a written request for a review of the other Applicant's score. Each request must specify in detail the assigned Application number, the forms and the scores in question. Each request is limited to the review of only one Application's score. Requests which seek the review of more than one Application's score will be considered improperly filed and ineligible for review. There is no limit to the number of requests which may be submitted. The Review Committee will review each written request timely received and will prepare a written position paper, which will be provided to each Applicant who timely filed a notification and to the Applicant whose score has been questioned, which recommends either no change in score or an increase or decrease in a score which it deems to be in error. Failure to timely and properly file a request shall constitute a waiver of the right of the Applicant to such a review.

(2) Notice will be provided to all Applicants whose score is reduced or whose Application is deemed ineligible pursuant to 67-48.005(1)(b) that they may contest the decision relative to their own Application by petitioning for review of the decision in writing within 21 ~~40~~ calendar days of the date of receipt of the notice. The request must specify in detail the forms and the scores sought to be appealed. In its petition for review, the Applicant shall have the opportunity to cure transpositional or scrivener's errors that do not otherwise materially affect the Application and correct exhibits to the Application, provided that the original of such exhibit is properly recorded in the public records of its county of origin or is on file with the Secretary of State's Office for the State of Florida. Notwithstanding the ability to cure, a single five-point penalty will be applied in accordance with the Application Instructions. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis. The Review Committee will review the appeal and will provide to the Applicant a written position paper which recommends either no change in score or an increase or decrease in a score which it deems to be in error. If the Applicant disagrees with the Review Committee's recommendation, the Applicant will be given an opportunity to

participate in the informal administrative appeal hearings scheduled by the Review Committee. No Applicant or other person or entity will be allowed to intervene in the appeal of another Applicant. If the appeal raises issues of material fact, a formal administrative hearing will 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 67-48.005(1)-(2) above, the written notification, petition, or request for review is deemed timely filed when it is received by the Executive Director, prior to 5:00 p.m. Tallahassee 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, other courier service, or by telefax. 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 FS. Law Implemented 120.57, 420.5087, 420.5089(1), 420.5099 FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, 4-6-98, Formerly 9I-48.005, Amended 11-9-98, \_\_\_\_\_.

#### 67-48.006 Compliance and Reporting Requirements.

(1) Any duly authorized representative of the Corporation or the Treasury 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) The Corporation or its representative shall conduct on-site Development inspections at least annually. The on-site inspections for RD (formerly FmHA) Developments participating in the HC Program are performed by RD periodically in conjunction with RD regulations.

(3) The Corporation 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's attendance at a Corporation compliance workshop; and

(d) A meeting between Corporation compliance staff and the key management company representative after the compliance workshop;

(4) The Corporation 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 Low-Income or Very Low-Income unit. Records for each occupied Low-Income or Very Low-Income unit shall contain the following documentation:

(a) The tenant's rental application containing the name or names of each household member, employment and income information for each household member, and other information required by the owner of the 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 the Corporation. For Developments participating in Section 8 and RD Programs, the HUD Forms 50058 or 50059 or RD (or FmHA) Form 1944-8 may be used in lieu of Form TIC-1 as long as proper documentation is maintained in the tenant files.

(6) The Applicant shall submit Program Reports pursuant to the following:

(a) The initial HC Program Report shall be submitted within 10 days following the end of the calendar quarter during which the issuance of the Final Housing Credit Allocation was made. Subsequent Program Reports shall be submitted each year of the Housing Credit Compliance Period and shall be due no later than on one of the following dates assigned by the Corporation: January 10, April 10, July 10 or October 10. The Program Reports shall be accompanied by:

1. Recap of Tenant Income Certification Information Form AR-1;

2. Copies of Tenant Income Certifications executed since the last Program Report for at least 10% of the Housing Credit Set-Aside units in the Development (to be sent to the monitoring agent only); and

3. With respect to the HC Program, the Annual Owner Compliance Certification Form to be signed by the owner of the Development certifying that for the preceding 12 month period the Development met its Housing Credit Set-Aside requirements (to be sent to the Corporation only). Forms PR-1, AOC-1 and AR-1 shall be provided by the Corporation and shall be submitted for all Developments receiving Housing Credit Allocations since January 1, 1987.

(b) The initial HOME Program Report shall be submitted prior to the time of loan closing, if occupied, or within 10 days following the end of the calendar quarter during which leasing of any HOME-Assisted Units occurred. Subsequent Program Reports shall be submitted annually on one of the following

due dates assigned by the Corporation: January 10, April 10, July 10 or October 10. The Program Reports shall be accompanied by:

1. Recap of Tenant Income Certification Information Form AR-1; and

2. Copies of Tenant Income Certification executed since the last Program Report for at least 10% of the HOME-Assisted Units in the Development (to be sent to the monitoring agent only).

(c) The initial SAIL 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 copies of all Tenant Income Certifications executed since the last Program Report (to be sent to the Corporation and the monitoring agent).

(7) HC Developments will submit copies of each building's completed IRS Form 8609 and Schedule A (Form 8609) for the first year housing credits are claimed to the Compliance Section of Florida Housing Finance Corporation. These forms are due at the same time they are filed with the Internal Revenue Service. Additionally, correspondence shall indicate what the first month of the first taxable year is.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.006, Amended 11-9-98, Repromulgated.

#### 67-48.007 Fees.

The Corporation shall collect the following fees and charges in conjunction with the SAIL, HOME and/or HC Program:

(1) Application Package Fee: Each Applicant must obtain an Application Package from the Corporation. A fee of \$60 shall be payable to the Corporation by any person requesting a copy of the Application Package, and said fee must be received by the Corporation prior to the issuance of an Application Package. Application Packages without tabs may be obtained for a fee of \$40.

(2) Application Tab Kit Fee: Each person requesting additional tabs for the Application shall remit a fee of \$20 per Application Tab Kit, payable to the Corporation prior to the issuance of the Application Tab Kit.

(3) Application Fee: SAIL and HC Applicants shall submit a non-refundable Application fee of \$250 per Application per Program to the Corporation if Applicant or Applicant's General Partner qualifies as a Non-Profit entity pursuant to HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida and \$500 per Application per Program for all others at the time of submission of each Application. HOME Applicants shall submit a non-refundable fee of \$50 to the Corporation if

Applicant qualifies or Applicant's General Partner qualifies as a Non-Profit entity pursuant to HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in jurisdiction other than Florida and \$100 for all others shall be charged per Application at the time of submission of each HOME Application.

(4) Credit Underwriting Fees: With respect to the SAIL and the HC Programs, the Applicant shall submit the required underwriting fee for each Development to the Credit Underwriter designated by the Corporation within 7 calendar days of the date of the invitation by the Corporation to enter credit underwriting. The credit underwriting fee shall be determined pursuant to the contract between the Corporation and the Credit Underwriter and shall be set forth in the Application Package. If a Housing Credit Development involves scattered sites of units within a single market area, a single credit underwriting fee shall be charged. Any Housing Credit Development requiring further analysis by the Credit Underwriter pursuant to Section 42(m)(2) of the Code, as well as any SAIL Development requiring further analysis by the Credit Underwriter pursuant to this Rule Chapter, will be subject to a fee based on an hourly rate determined pursuant to contract between the Corporation and the Credit Underwriter. All Credit Underwriting fees which are listed in the Application Package shall be paid by the Applicant prior to the performance of the analysis by the Credit Underwriter.

(5) Administrative Fees: With respect to the HC Program, each Applicant to whom a Preliminary Allocation, a Binding Commitment or Preliminary Determination is granted shall submit to the Corporation a non-refundable administrative fee in the amount of 8% of the first annual Housing Credit Allocation amount to be received, except that such fee shall be 5% for Applicants that qualify or whose General Partner qualifies as a Non-Profit entity pursuant to Rule 67-48.002(71)(73), F.A.C., HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida. Notwithstanding the foregoing, the fee for a Development of 4 units or less shall not exceed \$250 per unit. The administrative fee must be received by the Corporation within 7 calendar days of the date of the Preliminary Housing Credit Allocation, the Binding Commitment or the Preliminary Determination, whichever is applicable.

(6) Commitment Fees: With respect to the SAIL Program, each Applicant to whom a firm commitment is granted shall submit to the Corporation a non-refundable commitment fee of 1% of the SAIL loan amount upon acceptance of the firm commitment. An extension fee of .05% of the SAIL loan amount will be charged if the Corporation is asked to extend

the SAIL loan commitment beyond the period outlined in this Rule Chapter. All requests for extension must be submitted in writing to the program administrator and contain the specific reasons for the extension and the date needed by which to close the loan.

(a) Non-Profit sponsors who provide a certification indicating that funds will not be available prior to closing shall be permitted to pay the commitment fee at closing.

(b) All Sponsors shall remit the commitment fee payable to the Florida Housing Finance Corporation.

(7) Compliance Monitoring Fees: With respect to the HC Program, the total monitoring fee to be paid by the Applicant for the Housing Credit Compliance Period must be submitted to the Corporation prior to the issuance of a Final Housing Credit Allocation. The total monitoring fee is based upon a quarterly payment stream which shall be discounted at 2.75% for the full Housing Credit Extended Use Period to provide a present value to be paid by the Applicant and shall be listed in the Application Package. With respect to the SAIL Program, the annual monitoring fee to be paid by the Applicant shall be determined by contract between the Corporation and the monitoring agent and shall be listed in the Application Package.

(8) Loan Servicing Fees: With respect to the SAIL Program, the servicing fee to be paid by the Applicant shall be determined by contract between the Corporation and the monitoring agent and shall be listed in the Application Package.

(9) Financial Monitoring Fees: With respect to the SAIL Program, the annual financial monitoring fee to be paid by the Applicant shall be determined by contract between the Corporation and the monitoring agent and shall be listed in the Application Package.

(10) Housing Credit Development List: The Corporation shall prepare a Housing Credit Development list which shall include Housing Credit data for all Applicants and Developments from January 1, 1987, to the present. A fee of \$5 per yearly list shall be payable to the Corporation by any person requesting a copy of any portion or all of the Development list prior to issuance of a Development list by the Corporation.

(11) Tax-exempt Mortgage Financing: If Corporation tax-exempt mortgage financing is used for the first mortgage loan, the same fee schedule as described above shall be applied to both the first mortgage loan and the SAIL loan. Additional legal, cost of issuance, bond underwriting, credit enhancement, liquidity facility and servicing fees associated with the financing shall also be paid by the Applicant.

(12) Development Cost Pro Forma: All of the fees set forth above with respect to the SAIL Program are part of Development cost and may be included in the Development cost pro forma and paid with SAIL loan proceeds, if approved

by the Credit Underwriter. Failure to pay any fee shall cause the firm loan commitment under any Program to be terminated or shall constitute a default on the respective loan documents.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.007, Amended 11-9-98,\_\_\_\_\_.

#### 67-48.008 No Discrimination.

The Corporation, its staff or agents, Applicants, or participants in any Program shall not discriminate under that Program against any person or family, on the basis of race, creed, color, national origin, age, sex, religion, marital or familial status, or handicap, or against persons or families on the basis of their having minor children.

Specific Authority 420.507(12) FS. Law Implemented 420.501, 420.5089(10) FS. History—New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 9I-48.008, Repromulgated 11-9-98,\_\_\_\_\_.

## PART II – STATE APARTMENT INCENTIVE LOAN PROGRAM

### 67-48.009 SAIL General Program Procedures and Restrictions.

In order for a Development to qualify for SAIL funds, it shall, at a minimum, meet or comply with the following:

(1) In the Application, each Applicant must select the category in which to apply and must specify the SAIL Minimum Set-Aside Requirement with which the Development will comply.

(2) Loans shall be in an amount not to exceed 25% of the total Development cost or the minimum amount required to make the Development economically feasible, whichever is less, as determined by the Credit Underwriter.

(3) The following types of Sponsors are eligible to apply for loans in excess of 25% of total Development cost pursuant to 420.507(22), Florida Statutes:

(a) Non-Profit and public Sponsors which are able to secure grants, donations of land, or contributions from other sources collectively totaling at least 10% of total Development cost; or

(b) Sponsors that maintain an occupancy of a minimum of 80% of qualified Commercial Fishing Workers or Farmworkers.

(4) At a minimum, the percentage of set-aside units committed to in the Application must be held for Very Low-Income persons or households for a period of time equal to the greater of the following:

(a) The term of the SAIL loan; or

(b) 12 years; or

(c) Such longer term agreed to by the Applicant in the Application Package.

(5) The Corporation may set aside a portion of the SAIL funds in order to capitalize a loan loss reserve fund to be used in the event of a default, deed in lieu of foreclosure or foreclosure on a funded Development, to safeguard the Corporation's security interest in the Development.

(6) Applicants cannot request additional funding for the same Development within the SAIL Program with the exception of those Developments which comply with the requirements in Fla. Admin. Code Ann. r. 67-48.002(90)(91)(a)-(c).

(7) Applicants cannot request additional funding for the same Development within the SAIL Program in order to obtain their Developer fee.

(8) Developer fee shall be limited to 16% of Development cost excluding land and building acquisition costs. A Developer fee on the building acquisition cost shall be limited to ~~4~~ 5% of the cost of the building exclusive of land. ~~A total developer fee of 20% of Development cost, excluding land and building acquisition costs, shall be allowed if the proposed Development meets all of the following conditions:~~

~~(a) Development is located in a Difficult Development Area or in a Qualified Census Tract as defined by the Department of Housing & Urban Development;~~

~~(b) Applicant commits to set aside at least 40% of the units for households at or below 50% area median income or, if the Development receives a Housing Credit Allocation, the Applicant of the SAIL and HC Development commits to set aside at least 40% of the units at 50% or less of area median income or 15% of the units at 35% or less of area median income;~~

~~(c) Applicant commits to a 50 year Land Use Restriction Agreement;~~

~~(d) Development must have at least 20% of the total units set aside for special needs population (Elderly, Large Family, Farmworker or Commercial Fishing Worker) throughout the 50 year Land Use Restriction Agreement;~~

~~(e) Neither the Applicant nor any Financial Beneficiary of the Development has received Corporation funding for more than one Application in the current cycle.~~

(9) In no event can the amount of the Developer's fee increase over what Developer fee is shown in the Application.

(10) The General Contractor's fee shall be limited to a maximum of 14% of the total construction cost.

(11) SAIL loans proceeds shall not be used to fund any contingency reserves.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.009, Amended 11-9-98,\_\_\_\_\_.

67-48.0095 Additional SAIL Application Ranking and Selection Procedures.

(1) During the first six months following the publication date of the first Notice of Funding Availability published each fiscal year within the State of Florida, SAIL funds shall be allocated based upon the requirements specified in Sections 420.5087(3), Florida Statutes which specifies the required funding within the three demographic categories of (a) Family, (b) Elderly, and (c) Commercial Fishing Workers and Farmworkers.

(2) 10% of the funds reserved for Applicants designating a SAIL Minimum Set-Aside Requirement in the Elderly category shall be reserved to provide loans to Sponsors of housing for the Elderly for the purpose of making life-safety or security-related repairs or improvements to such housing which are required by federal, state or local regulation, as further specified in Section 420.5087, Florida Statutes.

(3) The Corporation shall, within each demographic category, rank Applications in order of total points assigned, with the highest point total being ranked first.

(4) The Corporation shall then assign, in order of ranking, tentative loan amounts to the Applications in each demographic category, up to the total amount available. However, the Corporation shall make adjustments to ensure that minimum and maximum funding distribution levels by geographic category are met, as required by Section 420.5087(1), Florida Statutes, and further described in the SAIL Notice of Funding Availability. In the event that the 10% of program funds required to be allocated to counties with a population of 100,000 or less remains unallocated at the conclusion of a successive three year cycle, the unallocated funds shall be carried forward and shall be added to the funds reserved for counties with a population of 100,000 or less for the next successive three year period.

(5) After the six-month period has expired, the Corporation may allocate SAIL funds to Applicants meeting threshold requirements, without regard to demographic category.

(6) Based upon fund availability, the Corporation shall notify Applicants of selection for participation in the SAIL Program in rank order within each set-aside category, as clarified in (4) above. When the amount of an Applicant's loan request exceeds the remaining funds available, the Corporation shall offer the Applicant a tentative loan amount equal to the remaining funds. Rejection of such offer will cause the Corporation to make the offer to the next highest ranked Applicant within the category. This process shall be followed until all funds in the category are either committed in this category or combined with available funds from other categories and offered to the next highest scorer in any category.



(7) Selection for SAIL Program participation is contingent upon fund availability after determination of final loan amounts and the appeals process.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 12-23-96, Amended 1-6-98, Formerly 91-48.0095, Amended 11-9-98,

67-48.010 Terms and Conditions of SAIL Loans.

(1) The proceeds of all SAIL loans shall be used for new construction or Substantial Rehabilitation of affordable, safe and sanitary rental housing units.

(2) The SAIL loan must be in a first or second lien position (provided that two prior mortgages which secure the same indebtedness and credit enhancement fees shall be deemed a single prior position) and shall not share priority with any other liens unless approved by the Board.

(3) The loans shall be non-amortizing and shall have interest rates as follows:

(a) 3% interest on loans to Developments that maintain an 80% occupancy of residents qualifying as Commercial Fishing Workers or Farmworkers over the life of the loan;

(b) 9% simple interest per annum for all other loans;

(c) ~~Payment on the 3% loans as stated in Fla. Admin. Code Ann. r. 67-48.010(3)(a) above~~ shall be based upon the actual Development Cash Flow. Interest may be deferred as set forth in Fla. Admin. Code Ann. r. 67-48.010(6) ~~this Rule Chapter~~ without constituting a default on the loan.

~~(d) Repayment on the 9% loans shall have a mandatory payment of the 3% base, and repayment of the remaining 6% shall be based upon the actual Development Cash Flow and may be deferred as set forth in this Rule Chapter without constituting a default on the SAIL loan.~~

~~(4) The 3% loan as stated in Fla. Admin. Code Ann. r. 67-48.010 (3)(a) above as well as payment of the remaining 6% on the 9% SAIL.~~ The loans described in Fla. Admin. Code Ann. r. 67-48.010 (3)(a)(b) and (b)(d) above shall be repaid from all Development Cash Flow, and if the SAIL loan is not a first mortgage loan, each year, subject to the provisions of paragraph (6) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) First mortgage fees and debt service;

(b) Development Expenses including the servicing fee on the SAIL loan;

(c) Base interest payment on SAIL loan balance equal to 1% on the 3% loan as stated in (3)(a) above and equal to 3% on the 9% loan as stated in (3)(b) above over the life of the SAIL loan;

~~(d) Any SAIL loan base interest payment deferred on the 3% loan as stated in (3)(a) above~~ from previous years;

(e) Mandatory payment on subordinate mortgages;

(f) 12% Return on Equity to Sponsor;

(g) Any other unpaid SAIL interest deferred from the current and previous years;

(h) Any unpaid Return on Equity deferred from previous years; and

(i) Remaining monies to be equally divided between the Developer and the Corporation with the Corporation receiving no more than the stated interest rate on the SAIL loan. After the full SAIL loan interest has been paid, the Sponsor shall retain all remaining monies, unless the Sponsor chooses to prepay a portion of the loan balance.

(5) If the SAIL loan is secured by a first mortgage lien, each year, subject to the provisions of paragraph (6) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) First mortgage fees and base interest payment on SAIL loan balance equal to 1% on the 3% loan as stated in (3)(a) above and equal to 3% on the 9% loan as stated in 3(b) above over the life of the SAIL loan; ~~SAIL base interest equaling 1% on Developments that maintain an 80% occupancy for residents qualifying as Commercial Fishing Workers or Farmworkers over the life of the SAIL loan, and equal to 3% on all other SAIL loans;~~

(b) Development Expenses including the servicing fee on the SAIL loan;

(c) Any other unpaid ~~payment of~~ SAIL interest deferred from the current and previous years;

(d) Mandatory payment on subordinate mortgages;

(e) 12% Return on Equity to Sponsor;

(f) Any unpaid Return on Equity deferred from previous years; and

(g) Remaining monies to be equally divided between the Developer and the Corporation with the Corporation receiving no more than the stated interest rate on the SAIL loan. After the full SAIL loan interest has been paid, the Sponsor shall retain all remaining monies, unless the Sponsor chooses to prepay a portion of the loan balance.

(6) The determination of Development Cash Flow, determination of payment priorities, and payment of interest on SAIL loans shall occur annually. Any payments of accrued and unpaid interest due annually on SAIL loans shall be deferred to the extent that Development Cash Flow is insufficient to make said payments pursuant to the payment priority schedule established in this Rule Chapter. If Development Cash Flow is under-reported and such report causes a deferral of SAIL interest, such under-reporting shall constitute an event of default on the SAIL loan. A penalty of 5% of any required payment shall be assessed.

(a) By April 15 of each year of the SAIL loan term, the Developer shall provide the Corporation and its servicer with a certification detailing the information needed to determine the annual payment to be made. However, this certification requirement will be waived until April 15 following the calendar year within which the first unit is occupied. The certification shall require submission of audited financial statements, the SAIL annual reporting form, (Form SR-1) and

other documents that may be required by the Corporation or its servicer. The financial statements are to be prepared in accordance with generally accepted accounting principles for the 12 months ended December 31 and shall include:

1. Comparative Balance Sheet with prior year and current year balances;
2. Statement of revenue and expenses which compares budgeted amounts to actual performance;
3. Statement of changes in fund balances or equity;
4. Statement of cash flows; and
5. Notes.

The financial statements referenced above should also be accompanied by a certification of the Developer as to the accuracy of such financial statements. The Developer shall furnish to the Corporation or its servicer, unaudited statements, certified by the Developer's principal financial or accounting officer, covering such financial matters as the Corporation or its servicer may reasonably request, including without limitation, monthly statements with respect to the Development. A late fee of \$500 will be assessed by the Corporation for failure to submit the required financial certification by April 15 of each year of the SAIL loan term. Failure to submit the required financial certification by April 15 of each year of the SAIL loan term shall constitute an event of default on the SAIL loan.

(b) The Corporation servicer shall issue a billing for interest due on the SAIL loan for the immediately preceding calendar year by May 31 of each calendar year of the SAIL loan.

(c) The Developer shall remit the interest due to the Corporation servicer no later than June 30 of each year of the SAIL loan. The first payment of SAIL base interest on 9% loans will be due no later than June 30 following the calendar year within which the first unit is occupied. The first payment of base interest shall include all base interest for the period which begins accruing on the date of the first draw and ends on December 31 of the calendar year during which the first unit is occupied. Any payment not paid when due shall bear interest at the Default Interest Rate (18%) from the due date until paid. Unless the Corporation has accelerated the SAIL loan, the Developer shall pay the Corporation a late charge of 5% of any required payment which is not received by the Corporation within 15 days of the due date.

(7) If, in its Application, the Applicant agrees to a Very Low-Income set-aside for a term longer than that required by law, the deferred SAIL interest due pursuant to this Rule Chapter shall be forgiven in an amount equal to the amount of interest due pursuant to Fla. Admin. Code Ann. r. 67-48.010, multiplied by .05 multiplied by the number of years, not to exceed 15, that such set-aside for Very Low-Income persons or households was extended beyond that required by law.

(a) The amount of interest to be forgiven shall be determined upon maturity of the Note.

(b) Only interest which is in excess of the base interest rates specified in Fla. Admin. Code Ann. r. 67-48.010 shall be eligible for forgiveness.

(8) Any sale, conveyance, assignment, or other transfer of or the grant of a security interest in all or any part of the title to the Development other than a superior mortgage shall be subject to the Corporation's prior written approval.

(9) The final billing for the SAIL loan shall also include a billing for compliance fees to cover monitoring of SAIL Program requirements beyond the maturity date of the Note, as applicable. Such fees shall be computed by determining the present value of the annual compliance monitoring fee and multiplying that by the number of years for which the Development will have a set-aside for Very Low-Income persons or households beyond the repayment date. For Developments with perpetual set-asides, the period for which compliance fees shall be collected shall be limited to 50 years. The present value discount rate shall be 2.75% per annum. Such amount shall be reduced by the amount of any compliance monitoring fees for other programs collected by the Corporation for the Development provided:

(a) The compliance monitoring fee covers some or all of the period following the anticipated SAIL loan repayment date; and

(b) The Development has substantially equivalent set-asides for Very Low-Income persons or households mandated through another Corporation program for which the compliance monitoring fee was collected.

(10) The SAIL loans shall be serviced either directly by the Corporation or by the servicer on behalf of the Corporation.

(11) The Corporation shall monitor compliance of all terms and conditions of the SAIL loan and shall require that certain terms and conditions be embodied in the Land Use Restriction Agreement and recorded in the public records of the county wherein the Development is located. The Land Use Restriction Agreement will be recorded first. Violation of any term or condition of the documents evidencing or securing the SAIL loan shall constitute a default during the term of the SAIL loan. The Corporation shall take legal action to effect compliance if a violation of any term or condition relative to the set-asides of units for Very Low-Income persons or households is discovered during the course of compliance monitoring or by any other means.

(12) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective May 27, 1997.

(13) The SAIL loan shall be for a period of not more than 15 years. However, if both a SAIL loan and federal housing credits are to be used to assist a Development, the Corporation may set the SAIL loan term for a period commensurate with

the investment requirements associated with the Housing Credit syndication. The loan term may also exceed 15 years as required by the Federal National Mortgage Association whenever it is participating in the financing of the Development.

(14) Upon maturity of the SAIL loan, the Corporation may renegotiate and extend the loan in order to extend the availability of housing for the target population. Such extensions shall be based upon:

- (a) Performance of the Sponsor during the SAIL loan term;
- (b) Availability of similar housing stock for the target population in the area;
- (c) Documentation and certification by the Sponsor that funds are not available to repay the Note upon maturity;
- (d) A plan for the repayment of the loan at the new maturity date; and
- (e) Assurance that the security interest of the Corporation will not be jeopardized by the extension.

(15) The Developer shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the SAIL mortgage without prior approval of the Corporation's Board of Directors.

(a) The Board shall approve requests for mortgage loan refinancing only if Development Cash Flow is improved, the Development's economic viability is maintained, the security interest of the Corporation is not adversely affected, and the Credit Underwriter provides a positive recommendation.

(b) The Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in 67-48.010(15)(a) are met, the original combined loan to value ratio for the superior mortgage and the SAIL mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding SAIL loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the SAIL loan balance, the following calculation shall be used: divide the amount of the original SAIL mortgage by the combined amount of the original SAIL mortgage and the original superior mortgage; then multiply the quotient by the amount of the increase in the superior mortgage after deducting refinancing costs. For example, if the amount of the original SAIL mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, the proposed new superior mortgage is \$5,000,000, and refinancing costs are \$200,000, then the amount of the increase in the superior mortgage after deducting refinancing costs would be \$800,000, and the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the SAIL loan balance would be \$266,667.

(c) The Board shall deny requests for mortgage loan refinancing which require extension of the SAIL loan term or otherwise adversely affect the security interest of the

Corporation unless the criteria outlined in 67-48.010(15)(a) are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Developer agreeing to further extend the Compliance Period or provide additional amenities or tenant programs suitable for the tenant population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

(16) All SAIL loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR 100, Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR 35. The Corporation shall allow units dedicated to occupancy by the Elderly in a Development designed for occupancy by Elderly Households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR 100.

(17) Rent controls shall not be allowed on any Development except as required in conjunction with the issuance of tax-exempt bonds or federal Housing Credits; however, rents must be determined to be reasonable by the Credit Underwriter.

(18) The documents creating, evidencing or securing each SAIL loan must provide that any violation of the terms and conditions described in Fla. Admin. Code Ann. r. 67-48 constitutes a default under the SAIL loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(19) Sponsors shall annually certify that the household gross income, adjusted for family size, of each household occupying a unit set aside for Very Low-Income persons or household 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.

(20) The Corporation must approve the Developer's selection of a management company prior to such company assuming responsibility for the Development. The Developer or managing agent of the Development must attend a Corporation-sponsored training workshop on certification and compliance procedures prior to the leasing of any units in the Development.

(21) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the SAIL loan.

(22) If, after a four-month rent-up period commencing after issuance of the last certificate of occupancy on the units, a Sponsor is unable to meet the agreed-upon categorical set-aside for Family, Elderly, Farmworker or Commercial Fishing Worker, the Sponsor may request to rent such units to Very Low-Income persons or households without categorical restriction.

(a) The written request must provide documentation of marketing efforts implemented over the past four-month period which demonstrate the inclusion of sources of potential tenants, advertising to be used, other means of encouraging tenants to rent at the Development, and priority to the original targeted group of tenants. If the Corporation determines that prior marketing efforts were insufficient, a revised plan which is satisfactory to the Corporation must be submitted and implemented for a four-month period prior to reconsideration.

(b) The Board will require Sponsors to provide additional amenities or tenant programs suitable for the proposed tenant population.

(c) The Board will require Sponsors of Developments with 3% loans, as described in 67-48.010(3)(a), to modify loan documents to conform to the terms and conditions of 9% loans, as described in 67-48.010(3)(b) or to accelerate payments of SAIL loan principal or interest.

(23) The Developer shall provide to the Corporation and its servicer a certified annual budget of income and expenses for the Development no later than 30 days prior to the beginning of the Project's fiscal year.

(24) Failure to provide the Corporation and its servicer with the SAIL available Cash Flow Statement detailing the information needed to determine the annual payment to be made pursuant to this Rule Chapter shall constitute a default on the SAIL loan.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.010, Amended 11-9-98,\_\_\_\_\_.

#### 67-48.0105 Sale or Transfer of a SAIL Development.

(1) The SAIL loan shall be assumable upon Development sale, transfer or refinancing of the Development if the following conditions are met:

(a) The proposed transferee meets all specific Sponsor identity criteria which were required as conditions of the original loan;

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the SAIL loan for the period originally specified or longer; and

(c) The proposed transferee receives a favorable recommendation from the Credit Underwriter and approval by the Board of Directors of the Corporation.

(2) If the Development is sold and the buyer does not meet the criteria for assumption of the SAIL loan, the SAIL loan (principal and any deferred interest) shall be repaid from Development Cash Flow and from the proceeds of the sale in the following order of priority:

(a) First mortgage debt service, first mortgage fees, SAIL compliance and loan servicing fees;

(b) An amount equal to the present value of the compliance monitoring fee, as computed by the Corporation and its servicer, times the number of payment periods for which the Development will have a set-aside for Very Low-Income persons or households beyond the repayment date. The present value discount rate shall be 2.75% per annum. For Developments with set-asides in perpetuity, the period for which compliance fees shall be collected shall be limited to 50 years. Such amount shall be reduced by the amount of any compliance monitoring fees collected by the Corporation for the Development, provided:

1. The compliance monitoring fee covers some or all of the period following the anticipated SAIL repayment date; and

2. The Development has substantially equivalent set-asides for Very Low-Income persons or households mandated through another program of the Corporation for which the compliance monitoring fee was collected.

(c) Unpaid principal balance of the SAIL loan;

(d) Any current and deferred base interest due on the SAIL loan;

(e) Any other SAIL interest deferred from the current and previous years;

(f) Expenses of the sale;

(g) Any deferred or currently due Return on Equity;

(h) Remaining funds to be equally divided between the Developer and the Corporation, with the Corporation receiving no more than the stated interest on the SAIL loan plus the principal;

(i) If, on its Application, the Developer agreed to a set-aside for Very Low-Income persons or households for a period longer than that required by law, the deferred interest due herewith shall be forgiven in an amount equal to the amount of interest due under the Note multiplied by .05 multiplied by the number of years, not to exceed 15 years, that the set-aside for Very Low-Income persons or households was extended beyond that required by law. Only the amount of interest which is in excess of the base interest rate shall be eligible for forgiveness;

(j) If there will be insufficient funds available from Development Cash Flow and from the proposed sale of the Development, the SAIL loan shall not be satisfied until the Corporation has received:

1. An appraisal prepared by an appraiser selected by the Corporation or the Credit Underwriter indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

2. A certification from the Developer that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the Development Cash Flow reported to the Corporation during the term of the SAIL loan was true and accurate;

3. A certification from the Developer that there are no Development funds available to repay the SAIL loan and the Developer knows of no source from which funds could or would be forthcoming to pay the SAIL loan; and

4. A certification from the Developer detailing the information needed to determine the final billing for SAIL loan interest. Such certification shall require submission of financial statements and other documents that may be required by the Corporation and its servicer.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 12-23-96, Amended 1-6-98, Formerly 9I-48.0105, Amended 11-9-98, Repromulgated.

#### 67-48.012 SAIL Credit Underwriting and Loan Procedures.

(1) Following the appeals process, the Corporation shall issue preliminary commitment letters to those Applicants whose Developments were awarded final scores and rankings which placed them into the funding range in each set-aside category.

(a) The preliminary commitment shall be subject to a positive recommendation by the Corporation's Credit Underwriter and approval by the Corporation's Board of Directors.

(b) The invitation to credit underwriting shall require that the Applicant submit the credit underwriting fee to the Credit Underwriter within seven calendar days of the date of the invitation. The Corporation will, within the specified seven calendar days, submit a copy of the Applicant's Application Package to the Credit Underwriter. Unless a written extension is obtained from the Corporation, failure to submit the fee by the specified deadline shall result in rejection of the Application.

(2) The Credit Underwriter shall verify all information in the Application Package, including information relative to the Applicant, Developer, Syndicator, General Contractor and other members of the Development team.

(a) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or the market to be served by the Development or if any discrepancy or misrepresentation is found, the Application will be rejected.

(b) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope the credit underwriter's expertise, the cost of providing such expertise shall be borne by the Applicant.

(c) The Credit Underwriter shall review the interest rate and terms of other proposed financing as provided in the Application Package to determine whether or not such loans are feasible and to determine if a SAIL loan is needed.

(d) Required appraisals and environmental studies shall be completed by professionals approved by the Corporation's Credit Underwriters. Approval of appraisers and contractors to complete environmental studies shall be based upon review of qualifications, professional designations held, references and prior experience with similar types of Developments.

(e) An appraisal shall be required during the credit underwriting process. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order, at the Applicant's expense, the appraisal of the subject property. The Credit Underwriter shall use the same appraiser as the first mortgage lender provided the appraisal has not been ordered. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value.

(f) Except as provided in Section 420.5087(5), Florida Statutes, the amount of any superior mortgages combined with the SAIL mortgage shall be less than the appraised value of the Development. Any debt service reserve requirement associated with a superior mortgage shall be excluded from the amount of the superior mortgage for purposes of this calculation.

(g) The minimum combined debt service coverage shall be 1.10 and the maximum debt service coverage shall be 1.50, including the SAIL mortgage and all other superior mortgages. In extenuating circumstances, such as when the Development has deep or short term subsidy, the debt service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis.

(h) 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 used for all Developments. However, the amount may be increased based on a physical needs assessment. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50% of the required replacement reserves for 2 years and must be placed in escrow at closing.

(i) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

1. Liquidity of the Guarantor.

2. Developer and General Contractor's history in successfully completing Developments of similar nature.

3. Problems encountered previously with Developer or Contractor.

4. Exposure of Corporation funds compared to total Development costs.

At a minimum, the Credit Underwriter shall require a Personal Guarantee for completion of construction from the principal individual or the Corporate General Partner of the borrowing entity. In addition, a letter of credit or Payment and Performance Bond will be required if the Credit Underwriter determines after evaluation of 1.-4. above that additional surety is needed. However, a completion guarantee will not be required if SAIL funds are not drawn until construction is complete, as evidenced by certificates of occupancy.

(j) The Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of six consecutive months for the combined permanent first mortgage and SAIL loan.

(k) Contingency reserves shall not be paid from SAIL funds. However, contingency reserves which total no more than 3% of hard and soft costs may be included within the total Development cost.

(l) The Credit Underwriter shall review and determine if the number of loans and/or construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation Development.

(m) The Credit Underwriter shall consider the appraisal of the Development and other market study documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(n) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless a written extension of time has been approved by the Corporation's Board and the Credit Underwriter, shall result in rejection of the Application. If the Application is rejected, the Corporation will select additional Applicant(s) in order of scoring.

(o) If audited financial statements are unavailable from the Applicant, the Credit Underwriter shall request federal tax returns for the past two years.

(3) Any changes in a firm commitment from any other source of the funding shall be consistent with the underwriting assumptions made in connection with the SAIL loan. All items on the credit underwriting checklist Form (CU-1) with the exception of the appraisal, survey and final plans must be provided to the Credit Underwriter within 35 calendar days of the date of the preliminary SAIL commitment. The appraisal, survey and final plans shall be due to the Credit Underwriter

within 60 calendar days from the date of the preliminary SAIL commitment. The Credit Underwriter shall advise the Corporation in writing of all items not received within 35 calendar days of the date of the preliminary SAIL commitment.

(4) The Credit Underwriter shall complete and make a written draft report and recommendation to the Corporation within 80 calendar days from the date of the preliminary commitment letter. Upon receipt, the Corporation shall provide to the Applicant the section including supporting information and schedules from the written draft report. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours of receipt. After the 48 hour period, the Corporation shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. Then the Credit Underwriter shall review and incorporate the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of revised report. Then, the Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(5) After approval of the Credit Underwriter's recommendation by the Board of Directors; or a committee appointed by the Board, the Corporation shall issue a firm SAIL loan commitment.

(6) Other mortgage loans related to the Development and the SAIL loan must close within 60 calendar days of the date of the firm SAIL loan commitment. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The written request will then be submitted to the Corporation's Board of Directors for consideration. The Corporation shall charge an extension fee of .05% of the SAIL loan amount if the Board approves the requested extension to extend the SAIL commitment beyond the period outlined in this Rule Chapter.

(7) If the Development is financed with bonds issued or to be issued on behalf of the Corporation, adjustments to the SAIL loan amounts shall be made by the Credit Underwriter based upon actual terms of the bond issue.

(8) The Corporation's servicer shall conduct at the Applicant's expense a preconstruction analysis and review of all the Project's costs prior to the closing of the SAIL loan.

(9) It is the responsibility of the Applicant to comply with any part of this section and to request in writing and show cause for any waiver. Failure to comply will result in the disqualification of the Applicant and withdrawal of the SAIL commitment. The Corporation shall then offer a preliminary SAIL commitment to the next eligible Applicant or, with approval of the Board, retain available funds for use in the next Application Period.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.012, Amended 11-9-98, \_\_\_\_\_.

#### 67-48.013 SAIL Construction Disbursements and Permanent Loan Servicing.

(1) SAIL loan proceeds shall be disbursed during the construction phase in an amount per draw which does not exceed the ratio of the SAIL loan to the total Development cost, unless approved by the Credit Underwriter.

(2) Ten business days prior to each advance, the Developer shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Developer for an advance.

(a) A copy of the request for advance shall be delivered to the Corporation (Attention: SAIL Program Administrator) simultaneously with the delivery of the request to the Corporation's servicer.

(b) The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for advance, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current advance and increasing the insurance coverage to an amount equal to the sum of all prior advances and the current advance, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation shall elect to withhold any advance or portion of any advance, notwithstanding any documentation submitted by the Developer in connection with a request for an advance, if

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs materially from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs materially from that as shown on the request for an advance.

(5) The servicer may request submission of revised construction budgets.

(6) If the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final draw, the Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter, which shall be listed in the Application Package.

(7) Retainage in the amount of 10% per draw shall be held by the servicer during construction until the Development is 50% complete. At 50% completion, no additional retainage

shall be held from the remaining draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the SAIL loan agreement.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly, 91-48.013, Amended 11-9-98, Repromulgated.

#### PART III – HOME INVESTMENT PARTNERSHIPS PROGRAM

##### 67-48.014 HOME General Program Procedures and Restrictions.

In order for a Development to qualify for HOME funds, it shall, at a minimum, meet or comply with the following:

(1) The maximum per-unit subsidy amount of HOME funds that the Corporation may invest on a per-unit basis in affordable housing may not exceed the per-unit dollar limits established pursuant to the HUD Regulations.

(2) The minimum of HOME funds that must be invested in a Rental Development is \$1,000 times the number of HOME-Assisted Units in the Development.

(3) A Development qualifies as affordable housing and for HOME funds if, with respect to income and occupancy:

(a) 80% of the HOME-Assisted Units are occupied by families whose annual income does not exceed 60% of the median family income for the area, as determined by HUD, and

(b) 20% of the HOME-Assisted Units are occupied by families whose annual income does not exceed 50% of the median family income for the area, as determined by HUD, with adjustments of family size.

(c) When the income of a tenant increases above 80% of the area median income, the next unit that becomes available in the Development must be rented to a HOME income-eligible tenant. If the income of a Very Low-Income household increases above the limits for a Very Low-Income household, then the Developer must rent the next available unit to a Very Low-Income household. The amount of rent the tenant whose income has increased must pay is the lesser of the amount payable by tenant under state or local law or 30% of the adjusted monthly income for rent and utilities.

(d) With respect to rent limits, the HOME Rent Chart at 65% or 50%, or the Fair Market Rent, less the applicable utility allowance, is the maximum rent that can be charged for a HOME Rent-Restricted Unit. HOME-Assisted Units with Section 8 subsidy must compare the Section 8 gross rent (tenant rent, subsidy amount, and utility allowance) to the maximum applicable HOME high or low rent limit minus utilities. However, Developments with project-based rental assistance may utilize the project-based rents as compared to the HOME High and Low rents. Compliance with the HOME rent restrictions will take precedence over the Developer's acceptance of a full Section 8 (tenant-based) subsidy for the HOME-Assisted Units.

(e) The minimum period of affordability for rehabilitation Developments is 15 years.

(f) The minimum period of affordability for newly-constructed rental housing is 20 years. The period of affordability will be extended until the loan is repaid as enumerated in Fla. Admin. Code Ann. r. 67-48.020(1).

(g) The minimum percentage of HOME-Assisted Units within a Development must be at least equal to the percentage (ratio) calculated by dividing the HOME loan amount by the total Development cost. This percentage will be utilized to determine the minimum number of HOME-Assisted Units required within a Development. HOME-Assisted Units must be identified at the time of Application. For purposes of meeting affordable housing requirements for a Development, the HOME-Assisted Units counted may be changed over the Compliance Period, so long as the total number of HOME-Assisted Units remains the same, and the substituted units are, at a minimum, comparable in terms of size, features, and number of bedrooms to the original HOME-Assisted Units.

(h) The Development will remain affordable, pursuant to commitments documented within the executed Land Use Restriction Agreement without regard to the term of the mortgage or to transfer of ownership.

(4) The Development must comply with all provisions of 24 CFR.

(5) Any contract for the development (rehabilitation or new construction) of affordable housing with 12 or more HOME-Assisted Units under the HOME Program must contain a provision requiring that not less than the wages prevailing in the locality, as predetermined by the United States Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), will be paid to all laborers and mechanics employed for the construction or rehabilitation of the Development, and such contracts must also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. § 327-332 (1994) and the Copeland Act (Anti-Kickback Act), 40 U.S.C. § 276c (1994).

(6) All HOME Developments must conform to the following federal requirements:

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, 42 U.S.C. 2000d et seq., 42 U.S.C. 3601-3620, 42 U.S.C. 6101, and 24 CFR 5.105(a).

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351.

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR Part 58 and National Environmental Policy Act of 1969.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, 42 U.S.C. 4201-4655, 49 CFR Part 24, 24 CFR Part 42 (Subpart B), and Section 104(d) "Barney Frank Amendments".

(e) Labor Standards as enumerated in 24 CFR § 92.354, 40 U.S.C. 276a-276a-5, 24 CFR Part 70 (volunteers), and 40 U.S.C. 276c.

(f) Lead-based Paint as enumerated in 24 CFR § 92.355, 42 U.S.C. 4821 et seq., 24 CFR Part 35 and 24 CFR § 982.401(j) (except paragraph 982.401(j)(1)(i)).

(g) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR 85.36 and 24 CFR 84.42.

(h) Debarment and Suspension as enumerated in 24 CFR Part 5.

(i) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106).

(j) Handicapped Accessibility as enumerated in 24 CFR Part 8 and 24 CFR § 100.205.

(k) Equal Opportunity Employment as enumerated in 41 CFR Part 60.

(l) Economic Opportunity as enumerated in 24 CFR Part 135.

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e).

(n) Site and Neighborhood Standards as enumerated in 24 CFR 893.6(b).

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 7-22-96, Amended 23-23-96, 1-6-98, Formerly 9I-48.014, Amended 11-9-98, Repromulgated.

67-48.015 Match Contribution Requirement for HOME Allocation.

(1) The Corporation is required by HUD to match non-federal funds to the HOME allocation as specified in the HUD Regulations. One of the criteria for selecting HOME Developments will be its ability to obtain a non-federal local match source pursuant to HUD Regulations.

(2) A Match Credit Fund funded by the State of Florida has been appropriated to the Corporation. The funds are to be used for demonstration Developments and pilot programs selected and approved by the Corporation's Board of Directors. Such pilot programs shall be counted as the Corporation's required match for HUD purposes and may be any eligible activity acceptable to HUD regulations and approved by the Corporation's Board of Directors.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(4) FS. History—New 7-22-96, Amended 23-23-96, 1-6-98, Formerly 9I-48.015 Amended 11-9-98, Repromulgated.

67-48.017 Eligible HOME Activities.

HOME funds may be used for the following activities: acquisition (must include new construction and/or rehabilitation), new construction, reconstruction, or moderate or substantial rehabilitation of non-luxury housing with suitable amenities pursuant to the HUD Regulations. In addition, HOME funds may be used for any activity found to be eligible by HUD in Match Credit and/or Disaster Developments.



Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 9I-48.017, Amended 11-9-98, Repromulgated.

67-48.018 Eligible HOME Applicants.

Applicants for HOME loans may include CHDO's, public housing authorities, local governments, Non-Profit organizations, and private for-profit organizations (including partnerships and sole proprietorships). The Applicant must be a legally-formed, existing entity at the time of Application. Documentation evidencing the same shall be required as part of the Application as set forth at Fla. Admin. Code Ann. r. 67-48.004. Pursuant to the HUD Regulations, Applicants may not request additional HOME funding during the period of affordability. However, additional funds may be committed to a Development up to one year after Development completion provided the amount does not exceed the maximum per-unit subsidy and the additional amount is not used to pay for Developer fees.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History—New 7-22-96, Amended 23-23-96, 1-6-98, Formerly 9I-48.018, Amended 11-9-98, Repromulgated.

67-48.019 Eligible and Ineligible HOME Development Costs.

(1) HOME funds may be used to pay for the following eligible costs as enumerated in the HUD Regulations:

(a) Development hard costs as they directly relate to the identified HOME-Assisted Units only for:

1. New construction, the costs necessary to meet local and State of Florida building codes and the Model Energy Code referred to in the HUD Regulations;

2. Rehabilitation, the costs necessary to meet local and State of Florida rehabilitation building codes and at a minimum, the Section 8 Housing Quality Standards under the HUD Regulations;

3. Both new construction and rehabilitation, costs to demolish existing structures, improvements to the Development site and utility connections;

(b) The cost of acquiring improved or unimproved real property. A HOME Development and HOME loan that involves acquisition must include rehabilitation or new construction in order to be an eligible Development. ~~The rehabilitation must be a Moderate Rehabilitation or a Substantial Rehabilitation, as stated in the Application.~~

(c) Soft costs as they relate to the identified HOME-Assisted Units. The costs must be reasonable, as determined by the Corporation and the Credit Underwriter, and associated with the financing, development, or both. These costs may include:

1. Architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups;

2. Costs to process and settle the HOME financing for a Development, such as credit reports, fees for evidence of title, recordation, building permits, attorney fees, cost certifications, and estimates;

3. Developer fee shall be limited to 16% of Development cost excluding land and building acquisition costs. A Developer fee on the building acquisition cost shall be limited to ~~45%~~ of the cost of the building exclusive of land. In no event can the amount of the Developer fee increase over what Developer fee is shown in the Application. A total Developer fee of 20% of Development cost, excluding land and building acquisition costs, shall be allowed if the proposed Development meets all of the following conditions:-

~~a. Development is located in a Difficult Development Area or in a Qualified Census Tract as defined by the Department of Housing & Urban Development;~~

~~b. Applicant commits to set aside at least 40% of the units for households at or below 50% of the area median income or commits to set aside at least 15% of the units for households at or below 35% of area median income;~~

~~e. Applicant commits to a 50 year Land Use Restriction Agreement;~~

~~d. Development must have at least 20% of the total units set aside for special needs population (Elderly, Large Family, Farmworker, Commercial Fishing Worker);~~

~~e. Neither the Applicant nor any Financial Beneficiary of the Development has received Corporation funding for more than one Application in the current cycle.~~

4. Impact fees;

5. Costs of Development audits required by the Corporation;

6. Affirmative marketing and fair housing costs;

7. Temporary relocation costs as required under HUD Regulations;

8. The General Contractor's fee shall be limited to a maximum of 14% of the total construction cost.

(2) HOME funds shall not be used to pay for the following ineligible costs:

(a) Development reserve accounts for replacements, unanticipated increases in operating costs, or operating subsidies, except as described in Fla. Admin. Code Ann. r. 67-48.019(1)(c)8.;

(b) Tenant-based rental assistance except for pilot or demonstration Developments as approved by the Board of Directors;

(c) Public housing;

(d) Administrative costs;

(e) Developer fees unless the HOME funds include rehabilitation or new construction.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.019, Amended 11-9-98, \_\_\_\_\_.

67-48.020 Terms and Conditions of Loans for HOME Rental Developments.

All HOME Rental Development loans shall be in compliance with the Act, the HUD Regulations and, at a minimum, contain the following terms and conditions:

(1) The HOME loan must be in a first or second lien position (provided that two prior mortgages which secure the same indebtedness and credit enhancement fees shall be deemed a single prior position) and shall not share priority with any other liens unless approved by the Board. The term of the loan shall be for a period of 15 years for Rehabilitation Developments and 20 years for new construction Developments. The term of the HOME loan may be extended to coterminate with the first mortgage term upon the recommendation of the Credit Underwriter and approval by the Corporation.

(2) The annual interest rate will be determined by the following:

(a) All for-profit Applicants that own 100% of the ownership interest in the Development held by the General Partner entity will receive a 3% per annum interest rate loan.

(b) All qualified non-profit Applicants that own 100% of the ownership interest in the Development held by the General Partner entity will receive a 0% interest rate loan. For purposes of determining the annual HOME interest rate, the definition of Non-Profit found at Rule 67-48.002, F.A.C., shall not apply; instead, qualified non-profit Applicants shall be those entities defined in the HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if a Florida corporation, or organized under similar state law if organized in a jurisdiction other than Florida.

(c) All Applicants consisting of a non-profit and for-profit partnership will receive a 0% interest rate loan on the portion of the loan amount equal to the qualified non-profit's ownership interest in the Development held by the General Partner entity. A 3% interest rate shall be charged for loans on the portion of the loan amount equal to the for-profit's interest in the Development held by the General Partner entity. After closing, should the Applicant sell any portion of the Development ownership, the loan interest rate ratio will be adjusted to conform with the new percentage of ownership.

(3) The loans shall be non-amortizing and repayment of principal shall be deferred until maturity, unless otherwise recommended by the Credit Underwriter and approved by the Corporation. Interest payments on the loan shall be paid to the Corporation's servicer annually on the date specified in the Note.

(4) As approved by the Board of Directors, loans which finance demonstration Developments or Developments located in a state or federally declared disaster area may be provided with forgivable terms.

(5) The accumulation of all Development financing, including the HOME loan and all existing debt within a Development, may not exceed the total Development cost, as determined and certified by the Credit Underwriter.

(6) Before disbursing any HOME funds, there must be a written agreement with the Developer ensuring compliance with the requirements of the HOME Program pursuant to this Rule Chapter and the HUD Regulations.

(7) The Developer and managing agent of the Development must attend a Corporation-sponsored training session on income certification and compliance procedures.

(8) If the Development has 12 or more HOME-Assisted Units, the General Contractor and all available subcontractors shall attend a Corporation-sponsored preconstruction conference regarding federal labor standards provisions.

(9) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Section 101.17 of the Federal National Mortgage Association Multifamily Conventional Selling Eligibility Requirements for rental properties.

(10) All loans must provide that any violation of the terms and conditions described in this Rule Chapter or the HUD Regulations constitute a default under the HOME loan documents allowing the Corporation to accelerate its loan and seek foreclosure as well as any other remedies legally available to it.

(11) If a default on a HOME loan occurs and the Corporation determines it necessary, the Corporation will foreclose on any mortgage or security interest or commence any legal action to protect the interest of the Corporation. The Corporation shall acquire real and personal property or any interest in the Development if that acquisition is necessary to protect any HOME loan; sell, transfer, and convey any such property to a buyer without regard to the provisions of Chapters 253 and 270, Florida Statutes; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Development for occupancy by Eligible Persons.

(12) The Corporation or its servicer shall monitor the compliance of each Development with all terms and conditions of the HOME loan and shall require that such terms and conditions be recorded in the public records of the county where the Development is located. Violation of any term or condition shall constitute a default during the term of the HOME loan. The Corporation shall take legal action to effect compliance if a violation of any term or condition concerning the set-aside of units for Low and Very Low-Income households is discovered during the course of compliance monitoring or by any other means.

(13) The Developer shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the HOME mortgage without prior approval of the Corporation's Board of Directors.

(a) The Board shall approve requests for mortgage loan refinancing only if Development Cash Flow is improved, the Development's economic viability is maintained, the security interest of the Corporation is not adversely affected, and the Credit Underwriter provides a positive recommendation.

(b) The Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in 67-48.020(13)(42)(a) are met, the original combined loan to value ratio for the superior mortgage and the HOME mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding HOME loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the HOME loan balance, the following calculation shall be used: divide the amount of the original HOME mortgage by the combined amount of the original HOME mortgage and the original superior mortgage; then multiply the quotient by the amount of the increase in the superior mortgage after deducting refinancing costs. For example, if the amount of the original HOME mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, the proposed new superior mortgage is \$5,000,000, and refinancing costs are \$200,000, then the amount of the increase in the superior mortgage after deducting refinancing costs would be \$800,000, and the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the HOME loan balance would be \$266,667.

(c) The Board shall deny requests for mortgage loan refinancing which require extension of the HOME loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in 67-48.020(13)(42)(a) are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Developer agreeing to further extend the Compliance Period or provide additional amenities or tenant programs suitable for the tenant population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(7), (8), (9) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.020, Amended 11-9-98, \_\_\_\_\_.

67-48.0205 Sale or Transfer of a HOME Development.

(1) The HOME loan shall be assumable upon Development sale, transfer or refinancing if the following conditions are met:

(a) The proposed transferee meets all specific Sponsor identity criteria which were required as conditions of the original loan;

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the HOME loan for the period originally specified; and

(c) The proposed transferee and Application receives a favorable recommendation from the Credit Underwriter and approval by the Corporation's Board of Directors.

(2) If the Development is sold and the proposed transferee does not meet the criteria for assumption of the loan, the HOME loan shall be repaid from the proceeds of the sale. If there will be insufficient funds available from the proposed sale of the Development, the HOME loan shall not be satisfied until the Corporation has received:

(a) An appraisal prepared by an appraiser selected by the Corporation indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

(b) A certification from the Developer that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the income reported to the Corporation during the term of the loan was true and accurate; and

(c) A certification from the Developer that there are no Development funds available to repay the loan and the Developer knows of no source from which funds could or would be forthcoming to pay the loan.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(7), (8), (9) FS. History—New 12-23-96, Amended 1-6-98, Formerly 91-48.0205, Amended 11-9-98, Repromulgated.

67-48.021 HOME Credit Underwriting and Loan Procedures.

(1) After the administrative appeal procedures have been completed, the Corporation shall assign a tentative loan amount to the Applicants in each set-aside category with the highest point totals on their applications for funding, up to the amount available in the category.

(2) Based upon availability of funds, the Corporation shall issue a preliminary commitment notifying each Applicant of selection for participation in the HOME Program in the order of each Applicant's ranking within each set-aside category. When an Applicant's tentative loan amount exceeds the remaining fund availability, the Corporation shall offer the Applicant a tentative loan amount equal to the remaining funds. Rejection of such an offer will cause the Corporation to make the offer to the next highest-ranked Applicant within the category. This process shall be followed until all funds for the set-aside category are committed.

(a) The preliminary commitment letter shall be subject to a positive recommendation by the Corporation's Credit Underwriter, approval by the Corporation's Board of Directors, and a certification by the Corporation of the HUD Environmental Review pursuant to 24 CFR § 92.352 (1994).

(b) The preliminary commitment letter shall require that the Applicant submit the information required from the Credit Underwriter's checklist Form (CU-1) to the Credit Underwriter within 35 days of notification. The appraisal, survey and final plans shall be submitted within 60 days of the preliminary commitment. Unless a written extension is obtained from the Board, failure to submit the required information by the specified deadline shall result in rejection of the Application. The Corporation shall select the Credit Underwriter for each Development.

(c) The Credit Underwriter shall verify all information in the Application Package, including information relative to the Applicant, Developer, Syndicator, General Contractor and other members of the Development team. The Credit Underwriter shall complete its analysis and submit a written draft report to the Corporation within 80 calendar days from the date of the preliminary commitment letter. Upon receipt, the Corporation shall provide to the Applicant the section including supporting information and schedules from the written draft report. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours after receipt. After the 48-hour period, the Corporation shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. Then the Credit Underwriter shall review and incorporate the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of revised report. Then, the Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(d) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or the market to be served by the Development or if any discrepancy or misrepresentation is found, the Application will be rejected. The Corporation shall bear the cost of the underwriting review under contract with the Credit Underwriter. However, if the HOME commitment is canceled for failure to adhere to rule deadlines or for reasons within the Applicant's control, the Development will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.

(e) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

1. Minimum debt service coverage of 1.10 and maximum debt service coverage of 1.50 for the HOME loan and all other superior mortgages. In extenuating circumstances such as when the Development has deep or short term subsidy, the debt service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis.

2. Minimum replacement reserve of \$200 per unit for all Developments. However, the amount may be increased based on a physical needs analysis. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50% of the required replacement reserves for 2 years and must be placed in escrow at closing.

3. Require audited financial statements and, if unavailable from the Applicant or Affiliates, the Credit Underwriter shall request federal tax returns for the past two years.

4. Review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation Development.

5. The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

a. Liquidity of the Guarantor.

b. Developer and General Contractor's history in successfully completing Developments of similar nature.

c. Problems encountered previously with Developer and/or Contractor.

d. Exposure of Corporation funds compared to total Development costs. At a minimum, the Credit Underwriter shall require a Personal Guarantee for completion of construction from the principal individual or the Corporate General Partner of the borrowing entity. In addition, a letter of credit and/or Payment and Performance Bond will be required if the Credit Underwriter determines after evaluation of a.-d. above that additional surety is needed.

6. Require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of six consecutive months for the combined permanent first mortgage and HOME loan.

7. Any contingency reserves shall not be paid from HOME funds.

8. Review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(f) An appraisal shall be required during the credit underwriting process. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order the appraisal for the subject property. The Credit Underwriter shall use the same

appraiser as the first mortgage lender provided the appraisal has not been ordered. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value.

(g) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless a written extension of time has been approved by the Corporation, shall result in the Application being rejected and the Corporation selecting additional Applicants in order of scoring.

(h) A preconstruction analysis and review of the Development's costs shall be required prior to the closing of the HOME loan.

(i) The Applicant will bear the cost of all documentation submitted to the Credit Underwriter for review (i.e., appraisal, credit report, environmental study, etc.). The Applicant may reimburse itself for these costs with HOME funds from the first Draw.

(j) ~~After approval of the Credit Underwriter's recommendation by the Board of Directors, or a committee appointed by the Board, the Corporation shall issue a firm HOME loan commitment. The Board of Directors shall act upon the Credit Underwriter's recommendation and, if a HOME loan is recommended, the Corporation shall issue a firm commitment to the Applicant after Board approval.~~

(k) The HOME loan shall close within 60 calendar days from the date of the firm commitment letter.

(l) The Applicant must submit a written request for any extensions needed or any changes to the Development or its financing from the original Application. All requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The written request must be submitted to the Corporation Board of Directors for consideration.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.021, Amended 11-9-98,\_\_\_\_\_.

67-48.022 HOME Disbursements Procedures and Loan Servicing.

(1) HOME loan proceeds shall be disbursed during the construction/rehabilitation phase in an amount per Draw on a pro-rata basis with the other financing unless otherwise approved by the Corporation or the Credit Underwriter.

(2) Ten business days prior to each Draw, the borrower shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the borrower for a Draw in a form and substance acceptable to the Corporation's servicer.

(3) A copy of the request for a Draw shall be delivered to the Corporation (Attention: HOME Rental Program Administrator) simultaneously with the delivery of the request to the Corporation's servicer and its inspector.

(4) The request shall set forth the amount to be paid and shall be accompanied by documentation as specified by the Corporation's servicer. Such documentation shall include invoices for labor and materials to date of the last inspection.

(5) The Corporation's servicer and the Corporation shall review the request for Draw and the Corporation's servicer shall provide the Corporation with approval of the request or an alternative recommendation of an amount to be paid after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation. For all Developments consisting of 12 or more HOME Assisted-Units, the borrower shall submit weekly payrolls of the General Contractor and subcontractors in accordance with Federal Labor Standards as enumerated in 24 CFR 92.354.

(6) Retainage in the amount of 10% per draw shall be held by the servicer during construction until the Development is 50% complete. At 50% completion, no additional retainage shall be held from the remaining draws. Release of funds held as retainage shall occur in accordance with the HOME loan documents.

(7) The Corporation or its servicer shall elect to withhold any Draw or portion of any Draw, in addition to the retainage, notwithstanding any documentation submitted by the borrower in connection with a request for a Draw, if:

(a) The Corporation or the servicer determines at any time that the actual cost budget or progress of construction differs materially from that shown on the loan documents.

(b) The percentage of progress of construction of improvements differs materially from that shown on the request for a Draw.

(c) Developments subject to and not in compliance with Federal Labor Standards.

(8) To the extent excess HOME funds in the budget remain unused, the Corporation has the right to reduce the HOME loan by that amount.

(9) If 100% of the loan proceeds have not been expended within six months prior to the HUD deadline pursuant to 24 CFR § 92.500 (1994), the funds shall be recaptured and reallocated to any eligible Development on any Corporation waiting list or eligible HOME Developments, as selected by the Board.

(10) The request for final disbursement of HOME funds, excluding retainage, shall be submitted within 60 days of completion of construction as evidenced by certificates of occupancy.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(1) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.022, Amended 11-9-98, Repromulgated.

PART IV – HOUSING CREDIT PROGRAM

67-48.023 Housing Credits General Program Procedures and Requirements.

In order for a Development to qualify for Housing Credits it shall, at a minimum, meet or comply with the following:

(1) Each Applicant shall comply with this Rule Chapter and with Section 42 of the Code and federal regulations issued pursuant thereto and in effect at the time of the Funding Cycle. Noncompliance by an Applicant in a Funding Cycle shall result in HC Program ineligibility for the Applicant in that Funding Cycle.

(2) Each Housing Credit Development shall comply with the minimum Housing Credit Set-Aside provisions, as specified in Section 42(g)(1) of the Code, with respect to the reservation of 20% of the units for occupancy by persons or families whose income does not exceed 50% of the area median income, or the reservation of 40% of the units for occupancy by persons or families whose income does not exceed 60% of the area median income. Further, each Housing Credit Development shall comply with any additional Housing Credit Set-Aside chosen by the Applicant in the Application.

(3) The gross monthly rents for the Housing Credit Set-Aside units shall not exceed 30% of the imputed income limitation applicable to such unit. The monthly rents used must correspond to the Housing Credit Set-Aside (Low-Income or Very Low-Income) chosen by the Applicant in the Application as shown on the rent charts included in the Application Package.

(4) The Development shall provide safe, sanitary and decent residential rental housing and shall be developed, constructed and operated in accordance with the commitments made and the facilities and services described in the Application at the time of submission to the Corporation. Applications will not be considered approved to receive an allocation of Housing Credits until Florida Housing issues a Preliminary Allocation/Preliminary Determination to the Applicant and all contingencies of such documents are satisfied. Allocations are further contingent on the Applicant complying with its Application commitments, Chapter 67-48, F.A.C., and Section 42, IRC.

(5) Applicants are prohibited from requesting an additional or increased Housing Credit Allocation for the sole purpose of obtaining Developer's fees.

(6) All of the dwelling units within a Development shall be rented or available for rent on a continuous basis to members of the general public. The owner of the Development shall not give preference to any particular class or group in renting the dwelling units in the Development, except to the extent that dwelling units are required to be rented to Eligible Persons. All Developments must comply with the Fair Housing

Act as implemented by 24 CFR 100, Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR 35.

(7) Each Housing Credit Development shall complete the Final Cost Certification Form FCCA-~~200099~~ by the earlier of the following two dates:

(a) the date that is 60 calendar days after all the buildings in the Development have been placed in service or,

(b) the date that is 30 calendar days before the end of the calendar year for which the Final Housing Credit Allocation is requested.

(8) The completed Final Cost Certification Form FCCA-~~200099~~ shall include an audit report prepared by an independent certified public accountant. In addition, the Corporation may require further review and verification of final costs, at the Applicant's expense. The Corporation will issue only one complete set of Forms 8609 per Development which will be no earlier than total Development completion and the Corporation's acceptance and approval of the Development's Final Cost Certification.

(9) After the final evaluation and determination of the Housing Credit Allocation amount has been made by the Corporation Executive Director, and the recorded Extended Use Agreement has been received in accordance with 67-48.029, the IRS 8609's are issued to the Applicant of the Housing Credit Development.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.023, Amended 11-9-98, \_\_\_\_\_.

67-48.025 Qualified Allocation Plan.

(1) Pursuant to Section 420.507(12), Florida Statutes, the Corporation is responsible for the allocation and distribution of housing credits in this state. As the allocating agency for the state, distribution of Housing Credits to Applicants shall be in accordance with the Corporation's Qualified Allocation Plan.

(2) The specific criteria of the Qualified Allocation Plan as mandated by Congress and addressed at Section 42(m)(1)(B) of the Internal Revenue Code, as amended, are hereby approved by the Governor on \_\_\_\_\_ ~~September 25, 1998~~, and adopted by reference herein.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 91-48.025, Amended 11-9-98, \_\_\_\_\_.

67-48.026 Housing Credit Underwriting Procedures.

(1) After the administrative appeal procedures have been completed, the Corporation shall offer all Applicants within the funding range the opportunity to enter credit underwriting.

(2) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter not later than seven calendar days after the date of the letter of invitation.

(3) If the credit underwriting invitation is accepted:

(a) The Applicant shall submit the credit underwriting fee in accordance with 67-48.007(4) to the Credit Underwriter within seven calendar days of the date of invitation, and

(b) The Applicant shall submit the information required from the Credit Underwriter's checklist Form (CU-1) to the Credit Underwriter within 35 calendar days of the date of the invitation to enter credit underwriting. The Credit Underwriter shall complete its report within 56 calendar days from the date of the credit underwriting invitation. The appraisal, survey and final plans are acceptable contingency items to the credit underwriting report.

(4) Unless a written extension is obtained from the Board, failure to submit the required credit underwriting information or fees by the specified deadline shall result in rejection of the Application.

(5) The Corporation shall select the Credit Underwriter for each Development.

(6) The Credit Underwriter shall verify all information in the Application Package, including information relative to the Applicant, Developer, Syndicator, General Contractor and other members of the Development team.

(7) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or the market to be served by the Development or if any discrepancy or misrepresentation is found, the Application will be rejected.

(8) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

(a) Minimum debt service coverage of 1.10 and maximum debt service coverage of 1.50 on all mortgages except in extenuating circumstances, such as when the Development has deep or short term subsidy, the debt service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis.

(b) The Credit Underwriter, in determining the amount of housing credits a Development is eligible for when using the Qualified Basis Calculation, shall use a housing credit percentage of:

1. Thirty (30) basis points over the percentage as of the date of Invitation to Credit Underwriting up to nine percent (9%) for nine percent (9%) credits for new construction and rehabilitation Developments;

2. Fifteen (15) basis points over the percentage as of the date of Invitation to Credit Underwriting up to four percent (4%) for four percent (4%) credits for acquisition and federally subsidized Developments. A percentage of fifteen (15) basis

points over the percentage as of the date of Invitation to Final Credit Underwriting will be used for Developments receiving FHFC tax-exempt bonds in calendar year 2000 or later.

(c)(b) Review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of the proposed Corporation Development.

(d)(e) Developer fee shall be limited to 16% of Development cost excluding land and building acquisition cost. A Developer fee on the building acquisition cost shall be limited to 45% of the cost of the building exclusive of land. A total Developer fee of 1820% of Development cost, excluding land and building acquisition costs, shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027 pertaining to Tax-Exempt Bond Financed Developments, meets all of the following conditions:

1. Development is located in a Difficult Development Area or in a Qualified Census Tract as defined by the Department of Housing & Urban Development;

2. Applicant commits to set aside at least 40% of the units for households at or below 50% or less of area median income or commits to set aside at least 15% of the units for households at or below 35% of area median income;

3. Applicant commits to a 50 year Extended Use Period with no option to convert after year 14;

4. Development must have at least 20% of the units targeted for special needs population (Elderly, Large Family, Farmworker or Commercial Fishing Worker) throughout the Extended Use Period; and

5. Neither the Applicant nor any Financial Beneficiary of the Development has received Corporation funding for more than one Application in the current cycle.

(e) In no event can the amount of the Developer fee increase over what Developer fee is shown in the Application.

(f)(d) The General Contractor's fee shall be limited to a maximum of 14% of the total construction cost.

(g)(e) Costs such as syndication fees and brokerage fees cannot be included in Eligible Basis. All consulting fees must be paid out of the Developer fee. Consulting fees cannot cause the Developer fee to exceed the maximum allowable fee as set forth in (d)(e) above.

(h)(f) No "lump-sum" or "turn key" contracts are acceptable for hard or soft Development costs. All contracts for Development costs must be itemized for all costs components.

(i)(g) An appraisal shall be required during the credit underwriting process. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order the appraisal for the subject property. The Credit Underwriter shall use the same appraiser as the first mortgage lender provided the appraisal has not been ordered.

~~(j)(h)~~ The Credit Underwriter shall review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

~~(k)(f)~~ A separate market study shall be required if the appraisal does not adequately address the market for the proposed Development.

~~(l)(g)~~ If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same.

(9) After the completion of its analysis, the Credit Underwriter shall submit its draft recommendation including a detailed report of the Project's credit worthiness, feasibility, ability to proceed and viability to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the section including supporting information and schedules from the written draft report. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours. After the 48 hour period, the Corporation shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. Then the Credit Underwriter shall review and incorporate the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of revised report. Then, the Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(10) If the Credit Underwriter recommends that Housing Credits be allocated to the Development, the Corporation Executive Director shall determine the Credit amount, if any, necessary to make the Development financially feasible and viable throughout the Housing Credit Extended Use Period and shall issue a Preliminary Allocation Certificate or a Preliminary Determination of Housing Credits in the case of Tax-Exempt Bond-Financed Developments. If the Credit Underwriter recommends that no Credits be allocated to the Development and the Corporation Executive Director accepts the recommendation, the Applicant shall be notified that no Housing Credits will be allocated to the Development for the current cycle. No Preliminary Allocation Certificate shall be issued on a RD (formerly FmHA) Development which has not received an Obligation of Funding (RD or FmHA Form 1944-51). All contingencies required in the Preliminary Allocation shall be met or satisfied by the Applicant within 45 days from the date of issuance or as otherwise indicated on the Certificate unless an extension of this deadline is requested in writing by the Applicant and is granted by the Corporation in writing for good cause.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.026, Amended 11-9-98,\_\_\_\_\_.

67-48.027 Tax-Exempt Bond-Financed Developments.

(1) Tax-Exempt Bond-Financed Developments, as defined in Section 42(h)(4)(B) of the Code, seeking to obtain Housing Credits from the Treasury, receiving the bonds from Florida Housing in calendar year 2000 or later and not competing for Housing Credits under the State of Florida Allocation Authority shall:

(a) Have 50% or more of the aggregate basis of any building and the land on which the building is located financed by tax-exempt bonds;

(b) Make Application for Housing Credits using Florida Housing's Form MFMRB;

(c) Be subject to the Form MFMRB, monitoring and credit underwriting fees as stated in Rule 67-21, F.A.C.;

(d) Be deemed to have met all threshold requirements upon the closing of the bonds with Florida Housing;

(e) Receive a Preliminary Determination from the Corporation upon Florida Housing's issuance of a loan commitment in reference to the tax-exempt bonds;

(f) Be subject to the administrative fee specified in this Rule Chapter which is payable prior to or simultaneous with the closing of Florida Housing's tax-exempt bonds;

(g) Be subject to the Developer fee limitations as set forth in this Rule Chapter;

(h) Be subject to the provisions in this Rule Chapter, pertaining to the required Extended Use Agreement; and

(i) Receive Building Identification Numbers from the Corporation upon satisfying the requirements of this section and the Final Cost Certification requirements of Rule 67-48.023.

(2) All Tax-Exempt Bond-Finance Developments, as defined in Section 42(h)(4)(B) of the Code, seeking to obtain Housing Credits from the Treasury, receiving the bonds from Florida Housing prior to calendar year 2000 or receiving bonds from another source other than Florida Housing, and not competing for Housing Credits under the State of Florida Allocation Authority shall:

~~(a)(1)~~ Have 50% or more of the aggregate basis of any building and the land on which the building is located financed by tax-exempt bonds;

~~(b)(2)~~ After bonds are issued to the Development, make Application to the Corporation as required in Fla. Admin. Code Ann. r. 67-48.004 and Fla. Admin. Code Ann. r. 67-48.026. Applications for these Developments shall be received by the Corporation no later than July 1 of the year the Development is placed in service.

~~(c)(3)~~ Be subject to the Application fee specified in this Rule Chapter;

~~(d)(4)~~ Meet the threshold requirements pursuant to the Qualified Allocation Plan and shall have completed loan closings on all required financing;



~~(e)(5)~~ Participate in the credit underwriting process pursuant to this Rule Chapter, unless such Development has received its tax-exempt bond financing through the Corporation, in which case the Development must be underwritten to the extent necessary to determine Development feasibility and housing credit need;

~~(f)(6)~~ Be subject to the credit underwriting fees as set forth in this Rule Chapter;

~~(g)(7)~~ Receive a Preliminary Determination from the Corporation upon satisfying the requirements of sections ~~(a)(1)~~ through ~~(f)(6)~~ above;

~~(h)(8)~~ Be subject to the administrative fee specified in this Rule Chapter;

~~(i)(9)~~ Be subject to a Developer fee limitation as specified in this Rule Chapter;

~~(j)(10)~~ Be subject to the provisions in this Rule Chapter, pertaining to the required Extended Use Agreement;

~~(k)(11)~~ Be subject to the monitoring fee specified in this Rule Chapter, unless such Development has received tax-exempt bond financing through the Corporation; and

~~(l)(12)~~ Receive Building Identification Numbers from the Corporation upon satisfying the requirements of this section and the Final Cost Certification requirements of Rule 67-48.023.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 9I-48.027, Amended 11-9-98,                     .

#### 67-48.028 Carryover Allocation Provisions.

(1) If an Applicant cannot complete its Development by the end of the year in which the Preliminary Allocation is issued, the Applicant must enter into a Carryover Allocation Agreement with the Corporation pursuant to the Code. The Carryover Allocation allows the Applicant up to the end of the second year following the Carryover Allocation to have the Development placed in service.

(2) In order to qualify for Carryover, an Applicant shall have tax basis in the Housing Credit Development which is greater than 10% of the reasonably expected basis in the Housing Credit Development by the close of the calendar year in which the Preliminary Allocation is made pursuant to section 42(h)(1)(E) of the Code. Certification that the Applicant has met the greater than 10% basis requirement shall be signed by the Applicant's attorney or certified public accountant.

(3) All Carryover documentation and the signed certification evidencing the required basis, must be submitted to the Corporation no later than the close of business on the first business day in November of the applicable calendar year.

(4) The Applicant for each Development qualifying for Carryover shall submit quarterly progress reports to the Corporation using Progress Report (Form Q/M Report) which will be provided by the Corporation. If the Form Q/M Report does not demonstrate continuous and adequate development

and construction progress, the Corporation will require monthly submission of Form Q/M Report until satisfactory progress is achieved, until the Development is placed in service, or until a determination is made by the Corporation that the Development cannot be placed in service by the Carryover deadline and the Housing Credits are returned to the Corporation in accordance with the terms of the Carryover Allocation Agreement. Form Q/M Report shall include a written statement describing the current status of the Development; the financing, construction and syndication activity since the last report; the reasons for any changes to the anticipated placed-in-service date; and any other information relating to the status of the Development which the Corporation may request. The first report shall be due to the Corporation by the first Monday in April of the calendar year following Carryover qualification.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 9I-48.028, Amended 11-9-98, Repromulgated.

#### 67-48.029 Extended Use Agreement.

(1) Pursuant to Section 42(h)(6) of the Code, the Applicant and the Corporation shall enter into an Extended Use Agreement. The purpose of the Extended Use Agreement is to set forth the Housing Credit extended use period, the Compliance Period, and to evidence commitments made by the Applicant in the Application. Such commitments, for example, include the Housing Credit Set-Aside commitment, tenant programs, and Development amenities.

(2) The following provisions shall be included, without limitation, in the Extended Use Agreement:

(a) The Applicable Fraction for Housing Credit Set-Aside Units for each taxable year in the extended use period shall not be less than the Applicable Fraction;

(b) Eligible Persons occupying Set-Aside Units shall have the right to enforce in any State of Florida court the extended use requirement for Set-Aside Units;

(c) The Extended Use Agreement shall be binding on all successors and assigns of the Applicant; and

(d) The Extended Use Agreement shall be executed and recorded pursuant to Florida law as a restrictive covenant prior to the issuance of a Final Housing Credit Allocation to an Applicant.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 9I-48.029, Amended 11-9-98, Repromulgated.

#### 67-48.030 Sale or Transfer of a Housing Credit Development.

An owner of a Housing Credit Development, its successor or assigns which have been granted a Final Housing Credit Allocation shall not sell the Housing Credit Development without having first notified the Treasury of the impending sale and complying with the Treasury's procedure or procedures for completing the transfer of ownership and utilizing the Housing

Credit Allocation. The owner of a Housing Credit Development shall notify the Corporation in writing of an impending sale and of compliance with any requirements by the Treasury for the transfer of the Housing Credit Development. The owner of a Housing Credit Development shall notify the Corporation in writing of the name and address of the party or parties to whom the Housing Credit Development was sold within 14 days of the transfer of the Housing Credit Development.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 9I-48.030, Amended 11-9-98, Repromulgated.

#### 67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments.

The Housing Credit extended use period for any building shall terminate upon the date a building is acquired through foreclosure (or instrument in lieu of foreclosure) or if no buyer can be found who is willing to maintain the Housing Credit Set-Aside of the Development. In the event the Applicant is unable to locate a buyer willing to maintain the Set-Aside provisions of the Extended Use Agreement, the following steps shall be taken, as set forth in Section 42(h)(6) of the Code, before a building is converted to market-rate use:

(1) After the fourteenth year of the Compliance Period, unless otherwise obligated under the Extended Use Agreement, an Applicant may submit a written request to the Corporation to find a buyer to acquire the Applicant's interest in the Housing Credit Set-Aside portion of the building.

(2) The Corporation shall have one year from the receipt of the request to obtain a qualified buyer for the Development.

(3) The Corporation shall actively seek to obtain a qualified buyer for acquisition of the Housing Credit Set-Aside portion of the building for an amount not less than the Applicable Fraction as specified in the Extended Use Agreement of:

(a) The sum of the outstanding indebtedness secured by the building;

(b) The adjusted investor equity in the building; and

(c) Other capital contributions not reflected in the amounts above, and reduced by cash distributions from the Development.

(4) In the event no buyer is found to acquire the Housing Credit Set-Aside portion of the building within one year, the Housing Credit Extended Use Period shall be terminated, and the units converted to market-rate.

(5) Pursuant to Section 42(h)(6)(E)(ii) of the Code, the termination of an Extended Use Agreement shall not be construed to permit the termination of a tenancy, the eviction of any existing tenant of any Set-Aside Unit, or any increase in the gross rent with respect to any Set-Aside Unit before the close of the three-year period following such termination. In no

case shall any portion of a Housing Credit Development be disposed of prior to the expiration of the Extended Use Agreement.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 9I-48.031, Amended 11-9-98, Repromulgated.

#### 67-48.032 Minimum Set-Aside for Non-Profit Organizations Under Housing Credits Program.

(1) For each calendar year, not less than 10% of the Corporation's total yearly Allocation Authority shall be set aside by the Corporation for issuance to qualified Non-Profit organizations.

(2) To ensure that the minimum 10% is set aside, the Corporation has determined that an initial allocation of 12% to qualified Non-Profits will be met. In order to achieve the initial 12% set-aside, Applications from Applicants that qualify or whose General Partner qualifies as a Non-Profit entity pursuant to Rule 67-48.002(71)(73), F.A.C., HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, or organized under similar state law if organized in a jurisdiction other than Florida and meet scoring threshold requirements shall be moved into the funding range, in order of their comparative scores, with Applicants whose Non-Profit entity is organized under Florida law receiving priority over Non-Profit entities of other jurisdictions, until the 12% set-aside is achieved. The last Non-Profit Development that is moved into the funding range in order to achieve the 12% initial set-aside shall be fully funded even though that may result in a higher Non-Profit set-aside. This will be accomplished by removing the lowest scored Application of a for-profit Applicant from the funding range and replacing it with the highest scored Non-Profit Application below the funding range within the applicable Geographic Set-Aside pursuant to the QAP. This procedure will be used again on or after October 1, if necessary, to ensure that the Agency allocates at least 10% of its Allocation Authority to qualified Non-Profit Applicants. Any for-profit Applicant so removed from the funding range will NOT be entitled to any consideration of priority for the receipt of current or future Housing Credits other than placement on the current ranking and scoring list in accordance with its score. Binding Commitments for Housing Credits from a future year will not be issued for Applicants so displaced.

(3) After the full Non-Profit set-aside amount has been allocated, remaining Applications from Non-Profit organizations shall compete with all other Applications in the HC Program for remaining Allocation Authority.

(4) Qualification as a Non-Profit entity must be evidenced to the Corporation by the receipt from the Applicant, upon Application to the HC Program, of a written opinion from legal counsel. The total cost of securing this written legal opinion will be borne entirely by the Applicant. A Non-Profit entity shall own an interest in the Development, either directly or

indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the Extended Use Period. If an Applicant submits Application to the HC Program as a Non-Profit entity but does not qualify as such, the Applicant will be disqualified from participation in the HC Program for the current Cycle.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History--New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 91-48.032, Amended 11-9-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Gayle White, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue W. Early, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 1999, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 12, March 26, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting  
RULE NO.: 68A-12.007

PURPOSE AND EFFECT: The purpose of the proposed rule is to expand imposition of the Hunter Responsibility Rule from the present eight Northwest Florida counties to the entire state. This rule requires greater responsibility from hunters who use dogs for hunting to resolve conflicts between hunters and landowners. The effect is to provide the Commission with an additional enforcement tool to control illegal use of dogs for hunting.

SUMMARY: The proposed rule will require that, in all counties, all dogs used for hunting shall wear a collar or tag which identifies the owner. The proposed rule will also require that all hunters who use dogs for hunting have written permission of the property owner.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The costs for administrative preparation and advertising for the proposed rule are estimated at \$1000 and \$55, respectively. Other costs associated with implementing the proposed rule, a dog collar or tag and written permission from the landowner are expected to be negligible since the majority of dog hunters routinely collar their dogs and the landowner permission information is a no cost item.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

IF REQUESTED, A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 9:00 a.m., October 5-9, 1999

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COST IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-12.007 Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting.

(1) All dogs used in ~~Calhoun, Escambia, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington counties~~ for taking or attempting to take, trailing, pursuing, or molesting wildlife shall wear a collar or tag which shall legibly display the name and address of the owner of the dog. No person shall use any dog to take or attempt to take, trail, pursue or molest wildlife unless such dog is wearing a collar or tag displaying the information required above.

(2) ~~No In Calhoun, Escambia, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington counties, no~~ person owning, having the care of, or using any dog shall permit such dog to trail, pursue or molest wildlife on the lands of another person without written permission from the landowner or lessee of said lands. Written permission shall be in the possession of each person using such dog on the lands of another person, and shall be presented for inspection upon request of any Commission wildlife officer or other law enforcement officer as referred to in subsection 68A-3.002(3), F.A.C.

(4) Bird dogs may be trained during the closed season for taking quail with the aid of a pistol firing a blank or solid ball or as provided by ~~Rule 68A-12.008~~, F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art. IV, Sec. 9, Fla. Const., History--New 8-1-79, Amended 6-22-80, 6-21-82, 7-27-83, 7-1-84, 7-1-85, Formerly 39-12.07, Amended 4-11-90, 3-1-94, 7-1-94, 9-7-97, Formerly 39-12.007, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Preston T. Robertson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1998

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Establishment Orders  
RULE NO.: 68A-14.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate reference to Commission establishment orders that (1) establish land as Type I or Type II wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas; (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

SUMMARY: The proposed rule incorporates reference to Commission establishment orders that: (1) re-establish the Kissimmee River WMA to withdraw the Hickory Hammock Unit and establish it as the Hickory Hammock WMA; (2) re-establish the Big Bend WMA with additions; (3) dis-establish the Escambia River WMA due to withdrawal of property by the landowner; (4) re-establish Tate's Hell WMA with additions; (5) establish the Okaloocoochee Slough WMA (new WMA); and re-establish the Apalachicola River WEA with additions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$75 for administrative preparation and \$30 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 372.121 FS.

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

TIME AND DATE: 9:00 a.m., October 6, 1999

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COST IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-14.001 Establishment Orders.

(1) Whenever the Commission establishes an area to be a Type I or Type II wildlife management area; a wildlife and environmental area; a refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; or a miscellaneous area, it shall do so by an establishment order.

(a) The establishment order shall recite at least the following:

- 1. The legal description of the area to be established.
- 2. Any terms and conditions under which the area is established.

(b) The establishment orders shall be kept by the Commission in its headquarters office and lists of all orders establishing an area as a Type I or Type II wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; a wild hog area or a miscellaneous area are hereby incorporated by reference.

(2) The Commission does hereby adopt and incorporate by reference into these rules and regulations the establishment orders found in the document "Establishment Orders, Revised October 8, 1999." The document is available to the public pursuant to the provisions of chapters 119 and 120, F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const.Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, 6-21-82, Formerly 39-14.01, Amended 10-29-97, 6-30-99, Formerly 39-14.001, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Quota Permits; Antlerless Deer Permits;  
RULE NO.: 68A-15.005  
Special Opportunity Permits

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish, revise, or delete quotas for regular quota hunts, special quota hunts, and special-opportunity hunts on wildlife management areas (WMAs) and wildlife and environmental areas (WEAs).

SUMMARY: The proposed rule would establish spring turkey quota hunts for the following WMAs: Croom (10 permits each hunt); Arbuckle (10 permits each hunt); Hickory Hammock (5 permits each hunt); Walk-in-the-Water (5 permits each hunt); Hilochee (5 permits each hunt); Lake Marion Creek (10

permits each hunt); Holton Creek (10 permits each hunt); Okaloacoochee Slough (50 permits each hunt), Citrus (5 permits each hunt), Hopkins Prairie Unit of Ocala (30 permits each hunt); Pipeline Unit of Ocala (220 permits each hunt); Church Lake Unit of Ocala (15 permits each hunt); Rima Ridge Unit of Tiger Bay (20 permits each hunt); and Buck Lake (20 permits each hunt). The proposed rule would delete Escambia River WMA quota hunts due to withdrawal of property by the landowner, and the proposed rule would reflect reestablishment of Hickory Hammock Unit of Kissimmee River WMA to Hickory Hammock WMA.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** It is estimated that the proposed action will cost the agency approximately \$75 for administrative preparation and \$52 for advertising. No other significant economic impacts are expected.

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:** Art. IV, Sec. 9, Fla. Const.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Fla. Const.

**A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m., October 6, 1999

**PLACE:** St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COST IS:** James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(a) South Region

3. Croom, spring turkey (each hunt) – 10 by spring turkey application (no exemptions).

3. through 20. renumbered 4. through 21. No change.

22. Arbuckle, spring turkey (each hunt) – 10 by spring turkey application (no exemptions).

21. through 27. renumbered 23. through 29. No change.

30.28. Kissimmee River Hickory Hammock Unit, special-opportunity wild hog hunt (each hunt) – 10 by special-opportunity hunt application (no exemptions).

31. Hickory Hammock, spring turkey (each hunt) – 5 by spring turkey application (no exemptions).

29. through 32. renumbered 32. through 35. No change.

36. Walk-in-the-Water, spring turkey – 5 by spring turkey application (no exemptions).

37.33. Hilochee, special-opportunity dove hunt (each hunt) – 30 (no exemptions).

38. Hilochee, spring turkey (each hunt) – 5 by spring turkey application (no exemptions).

34. through 41. renumbered 39. through 46. No change.

47. Lake Marion Creek, spring turkey (each hunt) – 10 by spring turkey application (no exemptions).

(b) Northeast Region

51. Holton Creek, spring turkey (each hunt) – 10 by spring turkey application (no exemptions).

51. through 58. renumbered 52. through 59. No change.

(c) Northwest Region

29. Escambia River, general gun still hunt (first nine days) 330 by regular quota application.

30. Escambia River, general gun dog hunt (first nine days) 330 by regular quota application.

31. through 37. renumbered 29. through 35. No change.

(d) Everglades Region

27. Okaloacoochee Slough, spring turkey (each hunt) – 50 by spring turkey application (no exemptions).

(e) Central Region

9. Citrus, spring turkey (each hunt) – 5 by spring turkey application (no exemptions).

9. through 18. renumbered 10. through 19. No change.

20. Ocala, Hopkins Prairie Unit, spring turkey (each hunt) – 30 by spring turkey application (no exemptions).

21. Ocala, Pipeline Unit, spring turkey (each hunt) – 220 by spring turkey application (no exemptions).

22. Ocala, Church Lake Unit, spring turkey (each hunt) – 15 by spring turkey application (no exemptions).

19. through 40. renumbered 23. through 44. No change.

45. Tiger Bay, Rima Ridge Unit, spring turkey (each hunt) – 20 by spring turkey application (no exemptions).

41. through 118. renumbered 46. through 123. No change.

124. Buck Lake, spring turkey (each hunt) – 20 by spring turkey application.

Specific Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art. IV, Sec. 9, Fla. Const., History–New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 5-13-99, Formerly 39-15.005, Amended \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Timothy A. Breault

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Dr. Allan L. Egbert

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** July 8, 1999

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Regulations Relating to Miscellaneous Areas  
 RULE NO.: 68A-15.006

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish specific public use and hunting regulations for wild hog and miscellaneous areas established under Commission Rule 68A-14.001, FAC. The effect of the proposed rule would be to better facilitate and regulate public use and hunting on these areas and provide for necessary resource management and protection.

SUMMARY: The proposed rule changes would provide the regulatory framework for establishing and regulating specific public uses on wild hog and miscellaneous areas established under Commission Rule 68A-14.001, FAC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$75 for administrative preparation and \$42 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., October 6, 1999

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COST IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.006 Regulations Relating to Miscellaneous Areas. The Commission may establish specific regulations for wild hog areas and miscellaneous areas to regulate and manage the lands or waters therein in the best interest of the state.

Specific Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art IV, Sec. 9, Fla. Const., History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Specific Regulations for Type I Wildlife  
 RULE NO.: 68A-15.061

Management Areas – South Region  
 PURPOSE AND EFFECT: The purposes of the proposed rule changes are to make needed changes in regulations to allow the agency to more efficiently manage wildlife resources and public use on WMAs and provide public hunting opportunities.

SUMMARY: Proposed rule changes would establish or revise specific area regulations on WMAs as follows:

Croom WMA – open season for spring turkey (March 21-23, April 4-6, and April 18-20); during spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit; turkeys shall be checked at the check station; and turkeys shall not be dismembered until checked at the check station.

Arbuckle WMA – open season for spring turkey (March 24-26, April 7-9, and April 21-23); turkeys legal to take during spring turkey season only; during spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit; and turkeys shall not be dismembered until checked at the check station.

Hickory Hammock WMA – revised to reflect proposed reestablishment of the Hickory Hammock Unit of Kissimmee River WMA as the Hickory Hammock WMA; open season for spring turkey (March 23-25 and April 13-15); during spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit; vehicles may be operated only on named and numbered roads during spring turkey hunts; restrictions on entering the area earlier than one-half hour before sunrise and exiting the area no later than one-half hour after sunset deleted; hunters required to check in and out at a check station and check all game taken during special-opportunity hog and spring turkey seasons; and turkeys shall not be dismembered until checked at the check station.

Walk-in-the-Water WMA – open season for spring turkey (April 14-16); turkeys legal to take during spring turkey season only; during spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit; and turkeys shall not be dismembered until checked at the check station.

Hilochee WMA – open season for spring turkey (March 24-26 and April 7-9); turkeys legal to take; during spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit; camping prohibited; all users shall enter and exit the area through designated entrances; hunters shall check in and out at the check station when entering and exiting the area and check all game taken; parking permitted only at designated parking areas or within 25 feet of named or

numbered roads; use of tracked vehicles, motorcycles, all-terrain vehicles, and horses prohibited; public access permitted by foot or bicycle only during periods when the area is closed to hunting except that motorized vehicles permitted one day prior to spring turkey hunts for scouting; and turkeys shall not be dismembered until checked at the check station. .

Lake Marion Creek WMA – open season for spring turkey (March 18-20, March 31 through April 2, and April 14-16); open seasons for fishing and frogging (throughout the year); turkeys, fish, and frogs legal to take; during spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit; camping prohibited; use of tracked vehicles, motorcycles, or all-terrain vehicles prohibited; hunters shall check in and out at the check station when entering and exiting the area and shall check all game taken; vehicle operation permitted only on named or numbered roads; parking permitted at designated parking areas or within 25 feet of a named or numbered roads; and turkeys shall not be dismembered until checked at the check station.

IMC WMA – all specific area regulations deleted due to landowner request to withdraw WMA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$209 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313 FS.

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

TIME AND DATE: 9:00 a.m., October 6, 1999

PLACE: St. Petersburg Hilton, 333 First Street South, St. Petersburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COST IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.061 Specific Regulations for Type I Wildlife Management Areas – South Region.

(1) Croom Wildlife Management Area

(a) Open season:

5. Spring turkey – March 21-23, April 4-6, and April 18-20.

6.5. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(d) General regulations:

6. During the general gun, spring turkey, and muzzleloading gun seasons, all game taken shall be checked at the check station, and no turkey shall be dismembered until checked at the check station.

~~(7) IMC Wildlife Management Area~~

~~(a) Open season:~~

~~1. General gun – Tuesdays, Thursdays and Saturdays of the duck and coot season established pursuant to Rule 68A-13.003, F.A.C.~~

~~2. Fishing – Prohibited except with written permission of landowner IMC.~~

~~(b) Legal to take: Ducks and coots only. Legal shooting hours: From the beginning of shooting hours established pursuant to Rule 68A-13.003, F.A.C., until noon.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

~~1. A maximum of 20 hunting parties (one to three participants sharing a boat) will be allowed on each hunt. An entry permit is required of each hunting party entering the area.~~

~~2. Hunters may enter the area on days open to hunting beginning one and one-half hours before sunrise and shall exit the area by 1 p.m. No hunter will be permitted to enter the area after one hour before sunrise.~~

~~3. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.~~

~~4. Vehicles may be operated only at the launch site and parking areas.~~

~~5. Only electric outboard motors may be used.~~

~~6. The possession of rifles or pistols is prohibited.~~

~~7. Wading or the use of tube boats is prohibited.~~

~~8. Discharge of firearms from dike roads is prohibited.~~

~~(7)(8) Arbuckle Wildlife Management Area~~

~~(a) Open season:~~

~~4. Spring turkey – March 24-26, April 7-9, and April 21-23.~~

~~5.4. Fishing – Permitted year-round. Frogging – Prohibited.~~

(b) Legal to take: All legal game (except turkeys shall be legal to take only during spring turkey season), furbearers and fish. Deer bag limit – one per day. Wild hog bag limit – no bag or size limits. During the general gun hog season, only wild hog may be taken. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(d) General regulations:

2. No deer or turkey shall be dismembered until checked at the check station.

(9) through (11) renumbered (8) through (10) No change.

~~(11)(12)~~ Hickory Hammock Kissimmee River Wildlife Management Area – Hickory Hammock Unit

(a) Open season:

6. Spring turkey – March 23-25 and April 13-15.

~~7.6.~~ Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal small game, fish, frogs and furbearers. Wild hogs may be taken only during the special-opportunity wild hog hunts. No size or bag limits on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(d) General regulations:

3. All vehicles shall be parked in the designated parking area during the small game season. Vehicles may be operated only on named or numbered roads during the special-opportunity wild hog hunts and spring turkey hunts.

4. The use of tracked vehicles, motorcycles or three or four wheelers (ATVs) is prohibited.

~~5. Persons may enter the area no earlier than one-half hour before sunrise and shall exit no later than one-half hour after sunset.~~

~~5.6.~~ Hunters shall check in at a designated check station when entering and exiting the area, and check record all game taken during special-opportunity wild hog and spring turkey seasons.

~~6.7.~~ A special-opportunity permit is required of any person participating in the special-opportunity wild hog hunts.

7. No turkey shall be dismembered until checked at the check station.

~~(12)(13)~~ Kissimmee River Wildlife Management Area – Pool A East Unit.

~~(13)(14)~~ Walk-in-the-Water Wildlife Management Area

(a) Open Season:

5. Spring turkey – April 14-16.

~~6.5.~~ Fishing – Permitted throughout the year. Frogging is prohibited.

(b) Legal to take: All legal game (except turkeys shall be legal to take during spring turkey season only) and fish. Deer bag limit – one per day. Wild hog bag limit – no size or bag limits. During the general gun hog season only wild hogs may be taken. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(d) General regulations:

9. No deer or turkey shall be dismembered until checked at the check station.

~~(14)(15)~~ Hilochee Wildlife Management Area

(a) Open Season:

2. Spring turkey – March 24-26 and April 7-9.

~~(b)~~ Shooting hours: Noon until sunset for special-opportunity dove hunts.

~~(b)(e)~~ Legal to take: Mourning doves, and white-winged doves, and turkeys. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) Camping: Prohibited.

(d) General Regulations:

2. All users shall enter and exit the area through designated entrances. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken. All hunters shall check in and out at a designated hunt headquarters when entering or exiting the area. Special-opportunity dove hHHunters may enter the area one hour before shooting time and shall exit the area by one hour after sunset.

3. The possession of firearms other than shotguns is prohibited during special-opportunity dove hunts.

5. Motorized vehicles may be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.

7. Shooting hours for special-opportunity dove hunts shall be from noon until sunset.

8. The use of tracked vehicles, motorcycles, all-terrain vehicles, or horses is prohibited.

9. During periods when the area is closed to hunting, public access other than by foot or bicycle is prohibited, except that motorized vehicles shall be permitted one day prior to the spring turkey hunts.

10. No turkey shall be dismembered until checked at a check station.

~~(15)~~ Lake Marion Creek Wildlife Management Area

(a) Open Season:

1. Spring turkey - March 18-20, March 31 through April 2, and April 14-16.

2. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: Turkeys, fish and frogs. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) Camping: Prohibited.

(d) General regulations:

1. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

2. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.

3. Vehicles may be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.

4. No turkey shall be dismembered until checked at a check station.



Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313, FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 6-8-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-16-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99, Formerly 39-15.061, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Northeast Region

RULE NO.: 68A-15.062

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to make needed changes in regulations to allow the agency to more efficiently manage wildlife resources and public use on WMAs and provide public hunting opportunities.

SUMMARY: Proposed rule changes would establish or revise specific area regulations on WMAs as follows:  
Camp Blanding WMA – only shotguns permitted during spring turkey season.  
Holton Creek WMA – open season for spring turkey (March 24-26, and April 14-16); use of all-terrain vehicles by certified mobility-impaired hunters permitted during all hunts; vehicles may be operated from one and one-half hours before sunrise until one and one-half hours after sunset; and attendance at a pre-hunt orientation meeting shall not be required for turkey hunters.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$125 for administrative preparation and \$61 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313 FS.

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

TIME AND DATE: 9:00 a.m., October 6, 1999

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COST IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.062 Specific Regulations for Type I Wildlife Management Areas – Northeast Region.

(1) Camp Blanding Wildlife Management Area

(a) Open season:

10. Only shotguns are permitted during the supervised youth and spring turkey seasons ~~hunt~~.

(22) Holton Creek Wildlife Management Areas

(a) Open season:

2. Spring turkey – March 24-26 and April 14-16.

~~3.2. Fishing – Throughout the year.~~

(d) General regulations:

5. Vehicles may be operated from one and one-half hours before sunrise until one and one-half hours after sunset ~~only during daylight hours~~ and only on designated portions of named or numbered roads.

6. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited except all-terrain vehicles may be used by certified mobility-impaired hunters during all hunts ~~during the mobility-impaired general gun hunt~~.

9. General gun mobility-impaired hunt participants ~~All mobility-impaired hunters~~ are required to attend a pre-hunt orientation meeting.

Specific Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS., History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Specific Regulations for Type I Wildlife

Management Areas – Northwest Region 68A-15.063

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to make needed changes in regulations to allow the agency to more efficiently manage wildlife resources and public use on WMAs and provide public hunting opportunities.

SUMMARY: The proposed rule change would establish an open season for spring turkey hunting on Tate’s Hell WMA (March 18 – April 23). The proposed rule would delete all specific area regulations for Escambia River WMA due to withdrawal of property by the landowner.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$125 for administrative preparation and \$72 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313 FS.

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

TIME AND DATE: 9:00 a.m., October 6, 1999

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COST IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.063 Specific Regulations for Type I Wildlife Management Areas – Northwest Region.

~~(14) Escambia River Wildlife Management Area~~

~~(a) Open season:~~

~~1. General gun – December 11 through January 5.~~

~~2. Small game – November 13 through December 10 and January 6 through March 5.~~

~~3. Spring turkey – March 18 through April 23.~~

~~4. Archery – October 16 through November 14.~~

~~5. Muzzleloading gun – November 19-21.~~

~~6. Muzzleloading gun and archery – February 17-27.~~

~~7. Trapping – December 1 through March 1 in the still hunt area only.~~

~~8. Early duck – In the September season as established by Rule 68A-13.003, F.A.C.~~

~~9. Duck and coot – As established by Rule 68A-13.003, F.A.C.~~

~~10. Dove – As established by Rule 68A-13.008, F.A.C.~~

~~11. Fishing and frogging – Throughout the year.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers. Antlerless deer (except spotted fawns) may be taken during the archery season.~~

~~(c) Camping – Permitted at designated sites throughout the year, but limited to 7 consecutive days.~~

~~(d) General regulations:~~

~~1. Vehicles may not be operated on roads posted as closed.~~

~~2. Vehicles may be operated only on named or numbered roads.~~

~~3. The use of all terrain vehicles (ATVs) is prohibited.~~

~~4. Hunting with dogs, other than bird dogs is prohibited.~~

~~5. Permanent camping structures are prohibited.~~

~~6. Center fire rifles are prohibited except during the December 11 through January 5 and March 18 through April 23 periods.~~

~~7. Taking wildlife by use of a gun on, upon or from the rights of way of S.R.184, S.R.197, S.R.292, S.R. 297, C.R. 182, Mineral Springs Road and all other paved roads located within the area is prohibited as provided by Rule 68A-4.008, F.A.C.~~

~~(14)(15) Tate's Hell Wildlife Management Area~~

~~(a) Open Season:~~

~~9. Spring turkey – March 18 through April 23.~~

~~10. 9. Trapping – February 1 through March 1.~~

~~11.10. Fishing and frogging – Throughout the year.~~

~~(15)(16) Tate's Hell Wildlife Management Area – Womack Creek Unit.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 6-21-82, Amended 7-1-83, 7-1-84, 7-1-85, 5-7-86, 5-10-87, Amended 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 9-1-91, 9-2-91, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Everglades Region  
 RULE NO.: 68A-15.064

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to make needed changes in regulations to allow the agency to more efficiently manage wildlife resources and public use on WMAs and provide public hunting opportunities.

SUMMARY: The proposed rule change would establish or revise specific area regulations on WMAs as follows:

Okaloacoochee Slough WMA – open seasons for spring turkey (March 4-7 and March 8-12); turkeys legal to take; during spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit; camping permitted only at designated campsites using tents, trailers, or self-propelled camping vehicles only; use of tracked vehicles, airboats, motorcycles or all-terrain vehicles prohibited; vehicle operation permitted only on named and numbered roads and trails; hunters shall check in and out at a designated check station and check all game taken; turkeys shall be checked at a check station prior to being dismembered; and fires other than campfires prohibited.

Everglades and Francis S. Taylor WMA – restrict deer harvest to antlered deer with at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline, and require that the forked antler shall have at least two points one inch or greater in length.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$125 for administrative preparation and \$79 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313 FS.

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

TIME AND DATE: 9:00 a.m., October 6, 1999

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COST IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.064 Specific Regulations for Type I Wildlife Management Areas – Everglades Region.

(3) Everglades and Francis S. Taylor Wildlife Management Area

(b) Legal to take: All legal game (except turkeys), fish, alligators as specified in Rule 68A-25.047, F.A.C., frogs and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. During the archery season only antlered deer may be taken. The bag limit of hogs shall be one per day and two annually. During the general gun-vehicle season, a bag limit of one hog per day per vehicle shall apply. The bag limit of deer shall be one per season during archery, muzzleloading gun and general gun-walk seasons and one per tag during the general gun-vehicle season.

(8) Okaloacoochee Slough Wildlife Management Area

(a) Open Season:

1. Spring turkey – March 4-7 and 8-12.

(b) Legal to take: Turkeys. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota permit.

(c) Camping: Camping is permitted only at designated campsites. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

(d) General regulations:

1. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.

2. Vehicles may be operated only on named or numbered roads and trails by individuals possessing a quota hunt permit. During the remainder of the year, vehicles may be operated only on named or numbered roads.

3. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.

4. No turkey shall be dismembered until checked at a check station.

5. Fires other than campfires are prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const., 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History–New 6-21-82, Amended 7-1-83, 7-27-83, 9-27-83, 7-5-84, 7-1-85, 5-7-86, 8-5-86, 5-10-87, 8-24-87, 5-1-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.064, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE:

RULE NO.:

Specific Regulations for Type I Wildlife

Management Areas – Central Region 68A-15.065

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to make needed changes in regulations to allow the agency to more efficiently manage wildlife resources and public use on WMAs and provide public hunting opportunities.

SUMMARY: The proposed rule change would establish or revise specific area regulations on WMAs as follows:

Citrus WMA – open seasons for spring turkey (March 24-26, March 31 – April 2, and April 7-9); turkeys legal to take; during spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit; turkeys shall not be dismembered until checked at the check station; and during spring turkey season, hunters shall check in and out the check station.

Ocala WMA – open seasons for spring turkey (March 23-26, March 30 – April 2, April 6-9, and April 13-16) on all management units except that portion of the Pipeline Management Unit south of S.R. 40 and west of S.R. 19; turkeys shall not be dismembered until checked at check station; and center-fire rifles prohibited during the spring turkey season; furbearers legal to take in the Church Lake Management Unit.

Richloam WMA – extend the open season for taking hogs throughout general gun season.

Tiger Bay WMA, Rima Ridge Unit – open seasons for spring turkey (March 18-20, March 31 – April 2, and April 14-16); turkeys legal to take; during spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

Buck Lake WMA – open seasons for spring turkey (March 18-21 and 22-26) and fishing and frogging (throughout the year); turkeys, fish and frogs legal to take; during spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit; camping prohibited in hunting areas during periods open to hunting; camping regulated by St. Johns River Water Management District public use regulations during periods closed to hunting; hunting with dogs prohibited; airboats, tracked vehicles, motorcycles, all-terrain vehicles, and horses prohibited except that horses are permitted during periods closed to hunting on named or numbered roads or designated trails; hunters shall enter and exit the area at a designated entrance; vehicles permitted only on named or numbered roads and may be parked only on designated parking areas or within 25 feet of named or numbered roads; turkeys shall not be dismembered until checked at a check station; during periods when the area is closed to hunting, public access other than by foot, horseback, or bicycle is prohibited.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$200 for administrative preparation and \$122 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313 FS.

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

TIME AND DATE: 9:00 a.m., October 6, 1999

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COST IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.065 Specific Regulations for Type I Wildlife Management Areas – Central Region.

(2) Citrus Wildlife Management Area

(a) Open season:

5. Spring turkey – March 24-26, March 31 through April 2, and April 7-9.

6.5. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game(~~except turkeys~~), fish, frogs and furbearers. During the muzzleloading gun and modern gun seasons, antlerless deer may be taken by permit only. Antlerless deer may be taken during the first 9 days of the archery season, but only one antlerless deer may be harvested per quota permit or per person exempted from license and stamp requirements by s. 372.57(1) and (6), F.S. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit.

(d) General regulations:

4. No deer or turkey shall be dismembered or removed until checked at the check station.

14. During the spring turkey season, all hunters shall check in and out at the check station when entering or exiting the area.

(6) Ocala Wildlife Management Area

(a) Open season:

7. Spring turkey – March 23-26 25-26, March 30 through April 2 April 1-2, April 6-9 8-9 and 13-16 15-16, except that portion of the Pipeline Unit south of S.R. 40 and west of S.R. 19 on the Lake Delaney Management Unit only.

(b) Legal to take:

2. Furbearing animals – During the November 13 through March 1 period, hunting as specified in Rule 68A-24.002(2)(b), F.A.C., is permitted only in the Pipeline and Church Lake Management Units. Raccoons may also be hunted, with dogs only, from March 7 through April 16 only in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19. The hunting of fox and bobcat by the use of dogs only shall be permitted from January 10 through April 16, only in that portion of the Pipeline Management Unit south of S.R. 40, east of County Road 183 AV, and west of SR 19.

(d) General regulations:

2. No deer or turkey shall be dismembered or transported out of the hunt area until checked at a check station.

9. The possession of center-fire rifles is prohibited during the spring turkey season.

(7) Richloam Wildlife Management Area

(b) Legal to take: All legal game (except antlerless deer), fish, frogs and furbearers. ~~Taking of hogs is prohibited after the first 16 days of general gun season.~~ No size or bag limit on wild hogs.

(12) Tiger Bay Wildlife Management Area – Rima Ridge Unit

(a) Open Season:

2. Spring turkey – March 18-20, March 31 through April 2, and April 14-16.

~~3. Fishing and frogging – Permitted throughout the year.~~

~~4. Trapping – Trapping is prohibited.~~

(b) Legal to take: All legal small game, turkeys, fish, frogs and furbearers. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(32) Buck Lake Wildlife Management Area

(a) Open season:

1. Spring turkey – March 18-21 and 22-26.

(b) Legal to take: Turkeys, fish, and frogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) Camping: Prohibited during periods open for hunting. During periods closed to hunting, camping is subject to St. Johns River Water Management District public use regulations.

(d) General regulations:

1. Hunting with dogs is prohibited.

2. Airboats, tracked vehicles, motorcycles, all-terrain vehicles, and horses are prohibited except that horses are permitted on named and numbered roads or designated trails during periods closed to hunting.

3. Hunters shall enter and exit the area at a designated entrance.

4. Vehicles may be operated only on named or numbered roads and may be parked only in designated parking areas or within 25 feet of a named or numbered road.

5. No turkey shall be dismembered until checked at a check station.

6. During periods when the area is closed to hunting, public access other than by foot, horseback or bicycle is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. 375.313 FS. History—New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Possession Exhibition and Caging

RULE NO.: 68A-25.006

PURPOSE AND EFFECT: Venomous Reptiles; Prohibited Species  
The purpose of this rule proposal is to clarify that possession of all sea snakes, no matter how they are scientifically classified, is prohibited, except under the parameters set forth in F.S. 370.081.

SUMMARY: When F.S. 370.081 was promulgated, all sea snakes were classified in one family. Today, there are several different classifications which has created confusion, and has the potential to allow the importation and possession of certain species of venomous sea snakes, allowing a person to circumvent the intent of the statute. This proposal would correct this problem by stating that import or possession of all sea snakes, no matter how they are classified, is prohibited except as provided under F.S. 370.081.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., October 6, 1999

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND STATEMENT OF ESTIMATED REGULATORY COST IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.006 ~~Possession, Exhibition~~ ~~Exhibiting~~ and Caging ~~Poisonous or Venomous Reptiles; Prohibited Species.~~

(1) Any person who keeps, possesses or exhibits poisonous or venomous reptiles shall comply with ss. 372.86, 372.87, 372.88, 372.89, 372.90 and 372.91, F.S.

(2) ~~Venomous~~ ~~Poisonous~~ reptiles shall be kept enclosed in cages, cases, pits, or enclosures of the following specifications:

(3) All species of snakes commonly known as sea snakes or sea kraits, belonging to the families Elapidae, Hydrophiidae or Laticaudidae are prohibited from being imported or possessed, except under the provisions of F.S. 370.081(4).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.06, Amended 5-10-87, 4-1-96, 9-15-96, Formerly 39-25.006, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lt. Thomas G. Quinn

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLES:	RULE NOS.:
Gear Definitions	68B-4.002
Statewide Net Gear Specifications; Soaking Requirements; Definition; Cast Net Specifications	68B-4.0081

PURPOSE AND EFFECT: The purpose of these proposed rule amendments is to convert the current specification for the maximum allowable size for a cast net from a radius measurement – 12 feet, 7 inches – to a circumference maximum of 79 feet, 3 inches. In line with the conversion and both specifications, the definition of the term “cast net” is amended to more accurately describe the gear as “circular” in shape. The effect should be to give Division of Law Enforcement personnel a more certain way to measure cast

nets aboard a vessel. These amendments are in conjunction with identical rule amendments regarding cast net specifications for allowable gear used to harvest shrimp and mullet, and in the Florida Keys National Marine Sanctuary.

SUMMARY: Subsection (1) of Rule 68B-4.002, F.A.C., is amended to delete the word “cone-shaped” from the definition of the term “cast net” and insert in its place the word “circular.” Subsection (3) of Rule 68B-4.0081, F.A.C., is amended to replace the current 12 feet, 7 inches radius specification for the maximum allowable size of a cast net with a 79 feet, 3 inches circumference maximum.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, and Article X, Section 16, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, and Article X, Section 16, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES IN CONJUNCTION WITH THE COMMISSION’S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: Beginning at 9:00 a.m., each day, October 7-8, 1999

PLACE: St. Petersburg Hilton Hotel, 333 First Street, South, St. Petersburg, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-4.002 Gear Definitions.

As used in Title 68B, F.A.C., unless otherwise defined:

(1) "Cast net" means a circular ~~cone-shaped~~ net thrown by hand and designed to spread out and capture fish as the weighted circumference sinks to the bottom and comes together when pulled by a line.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-89, Amended 11-26-92, 1-1-97, 4-28-98, Formerly 46-4.002, Amended.

68B-4.0081 Statewide Net Gear Specifications; Soaking Requirements; Definition; Cast Net Specifications.

(3) Cast Nets – No person shall fish with, set, or place in nearshore and inshore Florida waters any cast net with a circumference ~~radius~~ greater than 79 ~~42~~ feet 3 ~~7~~ inches in ~~length~~. No more than two cast nets shall be fished in such waters from a single vessel at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9 and Art. X, Sec. 16, Fla. Const. History--New 11-26-92, Amended 4-12-93, 1-1-97, 4-27-98, Formerly 46-4.0081, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Miscellaneous

RULE TITLE:

RULE NO.:

Possession of Fish Legally Harvested in the Bahamas Allowed Under Certain Circumstances

68B-5.004

PURPOSE AND EFFECT: The purpose of this proposed new rule is to make special allowance for persons who travel by vessel to the Bahamas to fish recreationally, to enable them to bring back their legally-harvested catch even if in violation of Florida size, bag, possession, or season restrictions, while assuring that harvest in Florida waters is in accordance with those restrictions. The effect should be to continue vital

protection of Florida species and populations, while allowing angling trips to the Bahamas, an increasingly-popular activity for Florida citizens. This effort is being undertaken in conjunction with a proposed amendment of rules relating to queen conch.

SUMMARY: New Rule 68B-5.004 allows a person returning by vessel from the Bahamas to possess marine species harvested there if the person also possesses valid Bahamas sportfishing and cruising permits, all such species are within the harvest and possession limits of Bahamian law, and no person aboard the vessel engages in fishing as it transits state waters on a direct and continuous course.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: Beginning at 9:00 a.m., each day, October 7-8, 1999

PLACE: St. Petersburg Hilton Hotel, 333 First Street, South, St. Petersburg, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-5.004 Possession of Fish Legally Harvested in the Bahamas Allowed Under Certain Circumstances.

A person returning from the Bahamas and transiting state waters in possession of marine species shall not be deemed to have violated recreational size (including requirements that a fish be landed in a whole condition), bag, possession, landing, or season provisions of Title 68B, F.A.C., if each of the following conditions are met:

(1) Such person also possesses and produces a valid original Permit to Engage in Foreign Fishing Conducted for Sporting Purposes and a valid cruising permit, issued by the Bahamian Government.

(2) All marine species in possession are within the harvest and possession requirements of Bahamian law.

(3) A vessel shall be considered in transit through state waters when it is on a direct and continuous course through such waters and no person aboard the vessel engages in fishing or deploys fishing gear from the vessel while in state waters.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Florida Keys National Marine Sanctuary

RULE TITLE: Florida Keys National Marine Sanctuary: RULE NO.:

Prohibited Activities in Specified State Waters 68B-6.003

PURPOSE AND EFFECT: In conjunction with amendment of the Commission's general gear rules, the purpose of this proposed rule amendment is to convert the current specification for the maximum allowable size for a cast net used in certain areas of the Florida Keys National Marine

Sanctuary, from a radius measurement – 12 feet, 7 inches – to a circumference maximum of 79 feet, 3 inches. The effect should be to give Division of Law Enforcement personnel a more certain way to measure cast nets aboard a vessel within the Sanctuary's most sensitive areas.

SUMMARY: Paragraph (1)(b) of Rule 68B-6.003, F.A.C., is amended to replace the current 12 feet, 7 inches radius specification for the maximum allowable size of a cast net used to take baitfish species in the Newfound Harbor Key Sanctuary Protection Area with a 79 feet, 3 inches circumference maximum.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: Beginning at 9:00 a.m., each day, October 7-8, 1999

PLACE: St. Petersburg Hilton Hotel, 333 First Street, South, St. Petersburg, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, 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 BASED.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-6.003 Florida Keys National Marine Sanctuary: Prohibited Activities in Specified State Waters.

(1) ECOLOGICAL RESERVE AND SANCTUARY PRESERVATION AREAS – The following activities are prohibited within the Western Sambos Ecological Reserve and the Cheeca Rocks, Eastern Dry Rocks, Hens and Chickens, Newfound Harbor Key, Rock Key, and Sand Key Sanctuary Preservation Areas, described in Rule 68B-6.002:

(b) Except as provided in subparagraphs 1. And 2. below, fishing by any means. However, gear capable of harvesting fish may be aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area (other than Sand Key), provided such gear is not available for immediate use when entering and during transit through such Ecological Reserve or Sanctuary Preservation Area. The following fishing activities are allowed as indicated:

1. Catch and release fishing by trolling is allowed in the Sand Key Sanctuary Preservation Area.

2. The harvest of baitfish species (ballyhoo, balao, halfbeaks, or herring only) is allowed in the Sanctuary Preservation Areas specified in Rule 68B-6.002(2), subject to the following conditions:

a. No person shall engage in such harvest except pursuant to a valid permit issued for such purpose by the National Marine Sanctuary Division of the National Ocean Service on behalf of the Florida Keys National Marine Sanctuary.

b. In the Newfound Harbor Key Sanctuary Preservation Area, harvest pursuant to this subparagraph shall only be by means of a cast net with a circumference radius no greater than 79 42 feet, 3 7 inches in length. In the Cheeca Rocks, Eastern Dry Rocks, Hens and Chickens, Rock Key, and Sand Key Sanctuary Preservation Areas, harvest pursuant to this subparagraph shall only be by means of a cast net or modified lampara net.

c. All bycatch (species other than ballyhoo, balao, halfbeaks, or herring) shall be returned to the water alive.

d. Contact with or disturbance of the seabed is prohibited.

e. Harvest of baitfish in the Sanctuary Preservation Areas specified herein by the use of any gear other than those specifically allowed in this subparagraph is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-97, Amended 11-16-98, Formerly 46-6.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLES: RULE NOS.:

Purpose and Intent, Repeal of Section 370.11(2)(a)8., F.S., Designation as Protected Species, Designation as Restricted Species 68B-14.001

Definitions 68B-14.002

Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper 68B-14.0035

Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption 68B-14.0036

Commercial Harvest Requirements; Licenses, Closures, Special Restrictions 68B-14.0045

PURPOSE AND EFFECT: Last year the Marine Fisheries Commission (MFC) conducted a major reorganization of then Rule Chapter 46-14, F.A.C. (present Rule Chapter 68B-14, F.A.C.), governing the harvest of various reef fish species. Since that time it became apparent that a handful of minor glitches in the rule chapter needed to be addressed. Accordingly, the Fish and Wildlife Conservation Commission (FWCC), the successor agency to the MFC, is now proposing the following rule amendments. An unintended provision that currently allows a five day lag to close state waters after adjacent federal waters close is corrected to enable state waters to close simultaneous with a federal closure; language is restored requiring a paperwork trail for a species otherwise legally obtained during a closure period; the grouper aggregate bag limit is corrected to include speckled hind and warsaw grouper, and the word “warsaw” is changed throughout the rule to properly correspond with standard scientific nomenclature which does not capitalize this word.

Additional proposed rule amendments merge Rule Chapter 68B-40, F.A.C., regulating amberjacks, into the reef fish chapter. Both the South Atlantic and the Gulf of Mexico Fishery Management Councils regulate amberjacks as reef fish, and most of the definitions, commercial harvest requirements, and prohibitions for these species are similar if not identical. In combining these chapters language is added to

clarify amberjack commercial licensing requirements, and to increase the upper end of the slot limit for banded rudderfish and lesser amberjack to 22 inches in order to conform to the same change adopted by the Gulf Council.

The purpose of these proposed amendments is to correct minor errors remaining from a previous rulemaking, and to allow Florida's amberjack regulations to more closely mirror those of the federal councils. The effect will be to add greater clarity to the Commission's regulations, thus easing the regulatory burden on Florida's citizens.

**SUMMARY:** Subsection (4) of Rule 68B-14.001, F.A.C., is amended to include amberjacks as restricted species regulated within this chapter. Rule 68B-14.002, F.A.C., is amended to include a definition of the word "trip". Rules 68B-14.0035, F.A.C., and 68B-14.0036, F.A.C. are amended to include size and bag limits, respectively, for amberjack species. Throughout the body of the rule chapter the word "warsaw" is changed to properly correspond with standard scientific nomenclature which does not capitalize this word. In Rule 68B-14.0035, F.A.C., an additional amendment increases the upper end of the slot limit for banded rudderfish and lesser amberjack from 20 to 22 inches, and in Rule 68B-14.0036, F.A.C., paragraph (c) of subsection (2) is amended to indicate that speckled hind and warsaw grouper are to be included within the grouper aggregate bag limit, along with clarifying language added to subsection (8) of the same rule. In Rule 68B-14.0045, F.A.C., the following changes are made: language is deleted from paragraph (a) of subsection (1) of the rule for purposes of clarification, and paragraph (b) of subsection (1) is amended to include the phrase "or any part of the indicated species" within the language of the text to state that the necessary licenses and permits are required in order to sell any reef fish species or any portion of reef fish species; additional clarifying language is added to paragraphs (1)(b) and (2)(c), new language is added to paragraph (e) of the rule to restore a paperwork trail for species possessed during a closure of state waters; a new paragraph (g) is added to subsection (2) to include the March, April, and May, prohibition against purchase, sale, and harvest or possession in excess of the recreational bag limit of any amberjack species; and finally, a new paragraph (c) is added to subsection (3) to include a minimum size limit of 36 inches for the commercial harvest and sale of amberjack, along with a prohibition against simultaneously harvesting amberjack species for commercial and recreational purposes during the same trip.

**A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES:** 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:** Article IV, Section 9, Florida Constitution.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

**TIME AND DATES:** Beginning at 9:00 a.m., each day, October 7-8, 1999

**PLACE:** St. Petersburg Hilton Hotel, 333 First Street, South, St. Petersburg, Florida

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 5 calendar days before the meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-14.001 Purpose and Intent, Repeal of Section 370.11(2)(a)8., F.S., Designation as Protected Species, Designation as Restricted Species.

(4) Designation as restricted species. The following species are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:

(a) Amberjacks – Genus *Seriola*:

1. Almaco jack – *Seriola rivoliana*.

2. Banded rudderfish – *Seriola zonata*.

3. Greater amberjack – *Seriola dumerili*.

4. Lesser amberjack – *Seriola fasciata*.

(b) ~~(a)~~ Groupers and Sea Basses – Family Serranidae:

1. Bank sea bass – *Centropristis ocyurus*.

2. Black grouper – *Mycteroperca bonaci*.
3. Black sea bass – *Centropristis striata*.
4. Coney – *Epinephelus fulvus*.
5. Gag – *Mycteroperca microlepis*.
6. Graysby – *Epinephelus cruentatus*.
7. Misty grouper – *Epinephelus mystacinus*.
8. Red grouper – *Epinephelus morio*.
9. Red hind – *Epinephelus guttatus*.
10. Rock hind – *Epinephelus adscensionis*.
11. Rock sea bass – *Centropristis philadelphica*.
12. Scamp – *Mycteroperca phenax*.
13. Speckled hind – *Epinephelus drummondhayi*.
14. Snowy grouper – *Epinephelus niveatus*.
15. Tiger grouper – *Mycteroperca tigris*.
16. Warsaw grouper – *Epinephelus nigritus*.
17. Yellowedge grouper – *Epinephelus flavolimbatus*.
18. Yellowfin grouper – *Mycteroperca venenosa*.
19. Yellowmouth grouper – *Mycteroperca interstitialis*.
- (c)(b) Snappers – Family Lutjanidae:
  1. Black snapper – *Apsilus dentatus*.
  2. Blackfin snapper – *Lutjanus buccanella*.
  3. Cubera snapper – *Lutjanus cyanopterus*.
  4. Dog snapper – *Lutjanus jocu*.
  5. Gray (mangrove) snapper – *Lutjanus griseus*.
  6. Lane snapper – *Lutjanus synagris*.
  7. Mahogany snapper – *Lutjanus mahogoni*.
  8. Mutton snapper – *Lutjanus analis*.
  9. Queen snapper – *Etelis oculatus*.
  10. Red snapper – *Lutjanus campechanus*.
  11. Schoolmaster – *Lutjanus apodus*.
  12. Silk snapper – *Lutjanus vivanus*.
  13. Vermilion snapper – *Rhomboplites aurorubens*.
  14. Wenchman – *Pristipomoides aquilonaris*.
  15. Yellowtail snapper – *Ocyurus chrysurus*.
- (d)(e) Gray triggerfish – *Balistes capriscus*.
- (e)(d) Hogfish – *Lachnolaimus maximus*.
- (f)(e) Red porgy – *Pagrus pagrus*.

Specific Authority Art. IV, Sec. 9, Fla. Const., sections 7 & 9 of chapter 83-134, Laws of Florida, as amended by chapter 84-121, Laws of Florida. Law Implemented Art. IV, Sec. 9, Fla. Const., sections 7 & 9 of chapter 83-134, Laws of Florida, as amended by chapter 84-121, Laws of Florida. History—New 7-29-85, Amended 12-11-86, 2-1-90, 3-1-94, 12-31-98, Formerly, 46-14.001, Amended \_\_\_\_\_.

68B-14.002 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

(15) “Trip” means a fishing trip of whatever duration which begins with departure of the fishing vessel from a dock, berth, beach, seawall, or ramp and which terminates with return to a dock, berth, beach, seawall, or ramp.

Specific Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-29-85, Amended 12-11-86, 2-1-90, 12-31-92, 3-1-94, 1-1-98, 12-31-98, Formerly 46-14.002, Amended \_\_\_\_\_.

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall harvest in or from state waters at any time, land, possess, unnecessarily destroy, or sell or offer for sale (except as provided in Rule 68B-14.0045), any of the following species, of a length less than set forth as follows:

- (1) Amberjacks (measured in terms of fork length)
  - (a) Banded rudderfish no less than 14 inches, no greater than 22 inches
  - (b) Greater amberjack 28 inches
  - (c) Lesser amberjack no less than 14 inches, no greater than 22 inches
- (2)(1) Black sea bass 10 inches total length.
- (3)(2) Gray triggerfish 12 inches total length.
- (4)(3) Grouper (measured in terms of total length)
  - (a) Black grouper harvested from the Atlantic Ocean and all waters of Monroe County 24 inches.
  - (b) Black grouper harvested from the Gulf of Mexico except from all waters of Monroe County 20 inches.
  - (c) Gag (gray) grouper harvested from the Atlantic Ocean and all waters of Monroe County 24 inches.
  - (d) Gag (gray) grouper harvested from the Gulf of Mexico except from all waters of Monroe County 20 inches.
  - (e) Red grouper 20 inches.
  - (f) Scamp 20 inches.
  - (g) Yellowfin grouper 20 inches.
  - (h) Yellowmouth grouper 20 inches.
- (5)(4) Hogfish 12 inches fork length.
- (6)(5) Red porgy harvested in waters of the Atlantic Ocean 14 inches total length.
- (7)(6) Snapper (measured in terms of total length)
  - (a) Blackfin snapper 12 inches.
  - (b) Cubera snapper 12 inches.
  - (c) Dog snapper 12 inches.
  - (d) Gray (mangrove) snapper 10 inches.
  - (e) Lane snapper 8 inches.
  - (f) Mahogany snapper 12 inches.

- (g) Mutton snapper 16 inches.
- (h) Queen snapper 12 inches.
- (i) Red snapper harvested from the Atlantic Ocean 20 inches.
- (j) Red snapper harvested from the Gulf of Mexico 16 inches.
- (k) Silk snapper 12 inches.
- (l) Schoolmaster snapper 10 inches.
- (m) Vermilion snapper 10 inches.
- (n) Yellowtail snapper 12 inches.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Formerly, 46-14.0035, Amended 3-1-99,\_\_\_\_\_.

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks. Exception, Wholesale/Retail Purchase Exemption.

(2) Grouper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 5 grouper per day, in any combination of species.

(b) Gag and black grouper. Except as provided elsewhere in this rule, in all state waters of the Atlantic Ocean and all state waters of Monroe County, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be gag or black grouper, either individually or in combination. No recreational harvester may harvest in or from state waters of the Atlantic Ocean or in or from state waters of Monroe County, nor possess while in or on the waters of the Atlantic Ocean or in or on state waters of Monroe County, more than 2 such fish.

(c) Speckled hind and warsaw ~~Warsaw~~ grouper. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than one speckled hind or more than one warsaw ~~Warsaw~~ grouper per day, and no more than one of each species shall be possessed aboard any vessel in or on state waters, at any time. Such fish shall ~~not~~ be counted for purposes of included in the aggregate grouper bag and possession limit prescribed in paragraph (a).

(d) Nassau grouper and jewfish. No person shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any Nassau grouper or jewfish. The purchase, sale, or exchange of any Nassau grouper or jewfish is prohibited.

(6) Amberjacks. Except as allowed for those persons harvesting for commercial purposes pursuant to Rule 68B-14.0045:

(a) Greater amberjack. No person shall harvest from state waters, more than 1 greater amberjack per day, nor possess more than 1 such fish while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or any fishing site adjacent to such waters.

(b) Banded rudderfish and lesser amberjack. No person shall harvest from state waters, more than an aggregate bag limit of 5 banded rudderfish and lesser amberjack per day either individually or in combination, nor possess more than 5 such fish while in, on, or above the waters of the state or on any dock, pier, bridge, beach or any fishing site adjacent to such waters.

(7)(6) Exception.

(a) Any person harvesting pursuant to the bag limits established in paragraphs (a), (b), (c), (d), and (f)1., of subsection (1), paragraphs (a) and (b) of subsection (2), and subsections (3), (4), ~~and~~ (5), and (6) (a) and (b) of this rule, who has fished for more than one day, may possess double the bag limit once such person has landed the fish, departed the fishing site and is no longer within 100 yards of any state waters, docks, fishing piers, or other fishing sites.

(b) Any person harvesting pursuant to the bag limits established in paragraphs (a), (b), (c), (d), and (f)1., of subsection (1), paragraphs (a) and (b) of subsection (2), and subsections (3), (4), ~~and~~ (5), and (6) (a) and (b) of this rule, who has fished aboard a charter vessel or headboat on a trip that spans more than 24 hours may possess and land double the bag limit if the vessel has a sleeping berth for each passenger aboard the vessel and each such passenger possesses a receipt issued on behalf of the vessel that verifies the length of the trip.

(8)(7) Wholesale / retail purchase exemption. Except as provided in paragraph (2)(c), the possession limits of this rule do not apply to any licensed seafood dealer, or to any fish purchased from a licensed wholesale or retail seafood dealer. The burden shall be upon the person claiming the benefit of this exemption to show, by receipts, bills of sale, or other appropriate documentation, that such fish were purchased from a licensed wholesale or retail seafood dealer. Failure to maintain such receipts, bills of sale, or other appropriate documentation shall constitute a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Formerly, 46-14.0036, Amended 3-1-99,\_\_\_\_\_.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Special Restrictions.

(1) Licenses.

(a) Each person harvesting any of the species listed in Rule 68B-14.001(4) for commercial purposes in state waters shall possess a valid saltwater products license with a restricted species endorsement and

1. If fishing in state waters of the Atlantic Ocean, either a valid transferable commercial permit or a trip-limited commercial permit for South Atlantic snapper-grouper ~~which is required for such harvest in immediately adjacent federal Exclusive Economic Zone (EEZ) waters of the Atlantic Ocean;~~

2. If fishing in state waters of the Gulf of Mexico, a valid commercial vessel permit for Gulf reef fish, and if fishing for red snapper, a Class 1 or Class 2 Gulf red snapper license;

which is required for such harvest in the immediately adjacent federal Exclusive Economic Zone (EEZ) waters of the Gulf of Mexico.

(b) No person harvesting for commercial purposes pursuant to this subsection shall sell or attempt to sell any of the indicated species, or any part of the indicated species, without possessing and presenting to the purchaser the appropriate state and federal licenses and permits specified in paragraph (a) those paragraphs. No wholesale dealer, as defined in Section 370.07(1), Florida Statutes, shall purchase any of these species, or any part thereof, without confirming that the seller thereof possesses the appropriate state and federal licenses and permits specified in this rule.

(2) Season closures.

(a) Persons harvesting any of the species listed in Rule 68B-14.001(4) for commercial purposes shall have a season that begins on January 1 and continues through December 31 each year.

(b) If at any time, adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of any of the species listed in Rule 68B-14.001(4), corresponding state waters shall also be closed to commercial harvest of the species affected by the federal closure, beginning from five (5) days after the date of such closure until federal waters are reopened to the commercial harvest of such species.

(c) During the period of any closure pursuant to paragraph (b) this subsection, the harvest, possession, or landing in quantities greater than the bag limits specified in Rule 68B-14.0036, and the purchase, sale or exchange, of any species to which the closure applies, is prohibited.

(d) Notice of any closure for state waters required by paragraph (b), and notice of any resulting prohibition as required by paragraph (c), shall be given by the Executive Director of the Fish and Wildlife Conservation Commission in the manner provided in s. 120.81(5), Florida Statutes.

(e) The closure specified in paragraph (b), and the prohibitions specified in paragraph (c), shall not apply when the species to which the closure applies is legally harvested outside the waters of the closed area. Any person possessing such species during the time period of a closure shall establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, to show that such species originated from a point outside the closed area. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this subsection.

(f)(e) During the months of March and April each year, the harvest, possession, or landing in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, and the purchase, sale, or exchange, of red porgy harvested from state

waters of the Atlantic Ocean, or gag grouper, or black grouper, harvested from state waters of the Atlantic Ocean and from all state waters of Monroe County, is prohibited.

(g) During the months of March, April and May of each year, the harvest and possession in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, and the purchase, sale and exchange of any species of amberjack harvested from state waters, is prohibited.

(3) Special restrictions.

(a) Snapper.

1. Cubera snapper. No person harvesting for commercial purposes shall harvest in or from state waters more than 2 cubera snapper 30 inches in total length or larger per day and no more than 2 such cubera snapper shall be possessed aboard any vessel in or on state waters, at any time.

2. Gray (mangrove) snapper. No person shall buy, sell, or exchange any gray (mangrove) snapper of a total length less than 12 inches.

3. Mutton snapper. No person harvesting for commercial purposes shall harvest in or from state waters more than 10 mutton snapper per day during the months of May or June each year. During this period each year, no such person shall possess more than 10 mutton snapper while in or on state waters.

4. Red snapper. No person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, more than 2 red snapper per day. No person harvesting for commercial purposes shall harvest in or from state waters of the Gulf of Mexico, more than 4 red snapper per day.

5. Vermilion snapper. No person shall buy, sell, or exchange any vermilion snapper harvested from state waters of the Atlantic Ocean of a total length less than 12 inches.

(b) Grouper.

1. Nassau grouper and jewfish. No person harvesting for commercial purposes shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any Nassau grouper, or jewfish. The purchase, sale, or exchange of any Nassau grouper or jewfish is prohibited.

2. Speckled hind and warsaw Warsaw grouper. No person shall harvest in or from state waters any speckled hind or warsaw Warsaw grouper for commercial purposes and the purchase, sale, or exchange of such fish is prohibited.

(c) Amberjack.

1. No person harvesting for commercial purposes shall harvest or land any amberjack with a fork length less than 36 inches. No person shall purchase, sell, or exchange any amberjack with a fork length less than 36 inches.

2. No person harvesting for commercial purposes shall, on the same trip, harvest or possess greater amberjack pursuant to the bag limit specified in Rule 68B-40.004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Formerly, 46-14.0045, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 Meridian Street, Tallahassee, Florida 32399-1600

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW.: August 13, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Queen Conch

RULE TITLE: Queen Conch, Regulation RULE NO.: 68B-16.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to conform provisions of the rule governing the harvest of queen conch in Florida waters to another proposed new rule to allow persons lawfully harvesting marine species in the Bahamas to return by vessel through state waters while in possession of such species. The effect should be to continue vital protection of Florida species and populations, including conch, while allowing fishing trips to the Bahamas, an increasingly-popular activity for Florida citizens.

SUMMARY: Subsection (3) of Rule 68B-16.003, F.A.C., is amended to exempt persons returning from the Bahamas with queen conch pursuant to Rule 68B-5.004 from the prohibitions of Rule Chapter 68B-16, F.A.C.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: Beginning at 9:00 a.m., each day, October 7-8, 1999

PLACE: St. Petersburg Hilton Hotel, 333 First Street, South, St. Petersburg, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-16.003 Queen Conch, Regulation.

(3) The provisions of this chapter shall not be applicable to queen conch imported from another country pursuant to Rule 68B-5.004 or by a; ~~provided, however, that any~~ wholesale or retail dealer in queen conch meat, queen conch shells or products made from queen conch shells, provided that such dealer shall maintain invoices, receipts, bills of sale, bills of lading, or other documentation affirmatively showing that all queen conch meat, queen conch shells or parts of queen conch shells in the ~~such~~ dealer's inventory were imported from a foreign country.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-17-85, Amended 6-21-90, 7-15-96, Formerly 46-16.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 1999  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Shrimp

RULE TITLES:	RULE NOS.:
Purpose and Intent; Repeal of Certain General and Special Acts; Designation of Shrimp as Restricted Species	68B-31.005
Definitions	68B-31.006
Statewide Recreational Shrimping Restrictions	68B-31.007
Statewide Live Bait Shrimp Production Restrictions	68B-31.008
Statewide Food Shrimp Production Restrictions Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures	68B-31.009 68B-31.0135

**PURPOSE AND EFFECT:** The Fish and Wildlife Conservation Commission is in the process of developing a management plan for shrimping in Biscayne Bay. As for other regions and certain bay systems, the goal of these management plans is to eliminate hard-to-enforce minimum size regulation, but replace it with closures or effort limitations that protect nursery areas and juvenile shrimp and boost escapement of adult shrimp for spawning purposes. The primary purpose of these proposed rule amendments and new rule is to implement a management plan for shrimping in Biscayne Bay that will accomplish this goal. Additionally, the Commission proposes to establish shrimp as a restricted species statewide. The purpose of such designation, as in other fisheries where the technique has been employed, is to assure that, as much as possible, persons harvesting shrimp commercially, either as a food shrimp producer or as a live bait shrimp producer, are full-time, professional commercial fishers. The effect of the measures being developed for Biscayne Bay and the statewide designation of shrimp as a restricted species should be the protection of the health and abundance of shrimp populations as a renewable resource for the benefit of Florida citizens.

**SUMMARY:** A new subsection (5) is added to Rule 68B-31.005, F.A.C., to designate shrimp as a restricted species statewide. The definitions of the terms “food shrimp producer” and “live bait shrimp producer” in subsections (7) and (12) of Rule 68B-31.006, F.A.C., are amended to conform them with the designation of shrimp as a restricted species. Subsection (2) of Rule 68B-31.007, F.A.C., is amended to incorporate a new specification of maximum allowable size for cast nets used to harvest shrimp recreationally (also proposed in another parallel rulemaking proceeding) and to except Dade County from the allowance for frame nets as recreational shrimp harvest gear. A

new subsection (6) is added to Rule 68B-31.008, F.A.C., to specify the licensing requirements for live bait shrimp producers in conformance with designation of shrimp as a restricted species. Paragraph (1)(b) of Rule 68B-31.009, F.A.C., is amended to exempt Dade County waters in the Southeast Region from minimum size regulation (count law) of food shrimp production. A new subsection (5) is added to the rule to specify the licensing requirements for food shrimp producers in conformance with the designation of shrimp as a restricted species. New Rule 68B-31.0135 specifies a food shrimp production season for Dade county of October 15 through May 15 of each year and prohibits food shrimp production from 6 a.m. Saturday to 6 a.m. Sunday each week during that open season.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** The rule proposal amends the existing shrimp rule and includes one statewide measure and three measures limited to Biscayne Bay and the Southeast Region. The urban character of Biscayne Bay places tremendous pressure on natural resources, and shrimp fishing provides a valued commodity and food item to the community. Repeal of the count law in the Bay is consistent with earlier rule development but normally occurs in conjunction with other effort reduction measures. A Saturday closure is proposed. The industry opposes closed periods during the season since effort is directed based on moon phase. Failure to regulate commercial effort will result in the landing of small shrimp. Fifty individuals report food shrimp landings from Biscayne Bay, however workshop testimony indicates greater participation. The proposal would also eliminate frame nets as allowable recreational gear in the Region. This would restrict the most efficient recreational gear in the Region.

The designation of shrimp as a restricted species (RS) statewide, means that persons landing shrimp for commercial purposes or in commercial quantities must first qualify for a RS Endorsement to their commercial license. RS qualification is based on documenting that \$5,000 or 25 percent of annual income is derived from the sale of saltwater products. This legislative tool would distinguish between recreational and commercial participants and encourage better commercial reporting of landings. During the 1997/98 SFY 1,563 individuals and corporations reported commercial shrimp landings valued at \$70 million. Based on reported landings 269 persons may not be able to document RS. This represents an average income loss of \$1,300 or a reallocation of \$400,000.

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

**SPECIFIC AUTHORITY:** Article IV, Section 9, Florida Constitution.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: Beginning at 9:00 a.m., each day, October 7-8, 1999

PLACE: St. Petersburg Hilton Hotel, 333 First Street, South, St. Petersburg, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-31.005 Purpose and Intent; Repeal of Certain General and Special Acts; Designation of Shrimp as Restricted Species.

(5) Shrimp are hereby designated as a restricted species pursuant to Section 370.01(20), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History--New 1-1-92, Amended 9-30-96, Formerly 46-31.005, Amended \_\_\_\_\_.

68B-31.006 Definitions.

As used in Rules 68B-31.005 through the remainder of the chapter:

(7) "Food shrimp producer" means a person who is not a live bait shrimp producer, but is harvesting shrimp in quantities greater than the bag limit specified in Rule 68B-31.007 or with a gear authorized for the specific region in Rules 68B-31.010 through 68B-31.014.

(12) "Live bait shrimp producer" means any person harvesting shrimp pursuant to a valid license issued as provided in Section 370.15(8) or Section 370.153(3)(a), Florida Statutes, in addition to a valid saltwater products license with a restricted species endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-92, Amended 3-16-93, 11-29-93, 10-3-94, 6-3-96, 6-1-99, Formerly 46-31.006, Amended \_\_\_\_\_.

68B-31.007 Statewide Recreational Shrimping Restrictions.

Except for persons harvesting shrimp commercially as either a food shrimp producer or a live bait shrimp producer, each person harvesting shrimp in or on the waters of the state shall comply with the requirements specified in this rule.

(2) Allowable Gear – No person subject to the requirements of this rule shall use any type of gear to harvest shrimp other than those types of gear specified herein:

(a) Landing or dip net with an opening no larger than 96 inches around the perimeter.

(b) Cast net with a circumference radius no greater than 79 1/2 feet, 3 inches.

(c) Push net.

(d) 1. Except as provided in subparagraph 2., one frame net with an opening no larger than 16 feet around the perimeter, if deployed from a vessel or from a structure other than an operational bridge or causeway or catwalk attached to such bridge or causeway.

2. Frame nets shall not be considered an allowable gear for persons harvesting shrimp pursuant to this rule in any waters of the Southeast Region in Dade County.

(e) Shrimp traps meeting the requirements of Section 370.15(5), Florida Statutes.

(f) Beach or haul seine with a mesh area no larger than 500 square feet.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-92, Amended 1-1-96, 6-3-96, Formerly 46-31.007, Amended \_\_\_\_\_.

68B-31.008 Statewide Live Bait Shrimp Production Restrictions.

Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall comply with the requirements specified in this rule.

(6) Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall possess a valid license issued as provided in Section 370.15(8) or Section 370.153(3)(a), Florida Statutes, and a valid saltwater products license with a restricted species endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-92, Amended 10-3-94, 1-1-96, Formerly 46-31.008, Amended \_\_\_\_\_.



68B-31.009 Statewide Food Shrimp Production Restrictions.

The following requirements shall apply to each person harvesting shrimp in or on the waters of the state as a food shrimp producer. Each such person shall also comply with the regional food shrimp production requirements of Rules 68B-31.010 through 68B-31.015 and the area or seasonal closures in the remainder of the chapter.

(1) Size Limit –

(a) Each person harvesting shrimp in or on state waters as a food shrimp producer shall possess shrimp that are of legal size. Shrimp shall be considered of legal size if all the shrimp in possession of the harvester are determined to have an average count not exceeding 47 shrimp per pound with the heads on or 70 shrimp per pound with the heads off. An average count shall be determined separately for the two portions of the catch consisting of heads-on and heads-off shrimp. The average count shall be determined by sampling the catch at five different locations selected randomly to be as widely separated within the catch or portion of the catch as practicable. Each sample shall consist of at least one pound of shrimp. The counts of each of these five samples shall be averaged to determine the average count for the catch or portion of the catch. This subsection shall not apply to any seabob (*Xiphopenaeus kroyeri*) in possession of the harvester.

(b) ~~Beginning January 1, 1994, The size limit provisions of paragraph (a) shall not apply in:~~

1. The Big Bend Region.

~~2.(c) Beginning July 1, 1996, the size limit provisions of paragraph (a) shall not apply in The Northeast Region.~~

~~3.(d) The size limit provisions of paragraph (a) shall not apply in Any of the waters of the Northwest Region east of the line formed by 85°13.50' West Longitude.~~

4. Any waters of the Southeast Region in Dade County.

(5) Each person harvesting shrimp in or on the waters of the state as a food shrimp producer shall possess a valid saltwater products license with a restricted species endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 11-29-93, 1-1-96, 6-3-96, 7-16-96, Formerly 46-31.009, Amended \_\_\_\_\_.

68B-31.0135 Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures.

(1) No person shall engage in food shrimp production in any waters of the Southeast Region in Dade County, except during the open season for such production. The open season shall begin on October 15 each year and continue through May 15 of the following year, subject to the weekly closures specified in subsection (2).

(2) During the open season specified in subsection (1), no person shall engage in food shrimp production in any waters of the Southeast Region in Dade County during the period each week beginning at 6:00 a.m. on Saturday and ending at 6:00 a.m. on Sunday.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Shrimp

RULE TITLE: STATE RECREATIONAL SHRIMPING RESTRICTIONS

RULE NO.: 68B-31.007

PURPOSE AND EFFECT: In conjunction with amendment of the Commission's general gear rules, the purpose of this proposed rule amendment is to convert the current specification for the maximum allowable size for a cast net used to harvest shrimp recreationally from a radius measurement – 12 1/2 feet – to a circumference maximum of 79 feet, 3 inches. The effect should be to give Division of Law Enforcement personnel a more certain way to measure cast nets aboard a vessel.

SUMMARY: Paragraph (2)(b) of Rule 68B-31.007, F.A.C., is amended to replace the current 12 1/2 feet radius specification for the maximum allowable size of a cast net used to recreationally harvest shrimp with a 79 feet, 3 inches circumference maximum.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: Beginning at 9:00 a.m., each day, October 7-8, 1999

PLACE: St. Petersburg Hilton Hotel, 333 First Street, South, St. Petersburg, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-31.007 Statewide Recreational Shrimping Restrictions.

Except for persons harvesting shrimp commercially as either a food shrimp producer or a live bait shrimp producer, each person harvesting shrimp in or on the waters of the state shall comply with the requirements specified in this rule.

(2) Allowable Gear – No person subject to the requirements of this rule shall use any type of gear to harvest shrimp other than those types of gear specified herein:

(a) Landing or dip net with an opening no larger than 96 inches around the perimeter.

(b) Cast net with a circumference radius no greater than 79 1/2 feet, 3 inches.

(c) Push net.

(d) One frame net with an opening no larger than 16 feet around the perimeter, if deployed from a vessel or from a structure other than an operational bridge or causeway or catwalk attached to such bridge or causeway.

(e) Shrimp traps meeting the requirements of Section 370.15(5), Florida Statutes.

(f) Beach or haul seine with a mesh area no larger than 500 square feet.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, 6-3-96, Formerly 46-31.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Mullet

RULE TITLE: Allowable Harvesting Gear

RULE NO.: 68B-39.0047

PURPOSE AND EFFECT: In conjunction with amendment of the Commission's general gear rules, the purpose of this proposed rule amendment is to convert the current specification for the maximum allowable size for a cast net used to harvest mullet from a radius measurement – 12 feet, 7 inches – to a circumference maximum of 79 feet, 3 inches. The effect should be to give Division of Law Enforcement personnel a more certain way to measure cast nets aboard a vessel in a fishery that is increasingly reliant on cast nets for commercial harvest.

SUMMARY: Paragraph (1)(a) of Rule 68B-39.0047, F.A.C., is amended to replace the current 12 feet, 7 inches radius specification for the maximum allowable size of a cast net used to harvest mullet with a 79 feet, 3 inches circumference maximum.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES. None.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: Beginning at 9:00 a.m., each day, October 7-8, 1999

PLACE: St. Petersburg Hilton Hotel, 333 First Street, South, St. Petersburg, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-39.0047 Allowable Harvesting Gear.

(1) The harvest or attempted harvest of any mullet by or with the use of any gear or method other than the following is prohibited.

(a) Cast net with a circumference radius no greater than 79 ~~12~~ feet 3 ~~7~~ inches, provided that no more than two such nets shall be fished from any vessel at any time.

(b) Beach or haul seine with a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) no larger than 500 square feet, provided that no more than two such nets unconnected shall be fished from any vessel at any time.

(c) Until January 1, 2000, skimmer net meeting the following specifications:

1. No skimmer net shall have an opening larger than 28 feet around the perimeter.

2. No more than two skimmer nets shall be attached to or fished from a single vessel.

3. No skimmer net shall have a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) larger than 500 square feet. No skimmer net shall be longer than 30 feet long in a stretched condition.

4. The bag of any skimmer net shall be constructed of no smaller than #12 dipped nylon mesh. The use of monofilament netting material in any part of the net is prohibited. The mesh size in the final 8 feet of the net shall not exceed 3 1/2 inches stretched mesh and the mesh size in the remainder of the net shall not exceed 4 1/2 inches stretched mesh.

5. No skimmer net shall come in contact with the sea bottom while being deployed from a vessel under power.

(d) Hook and line gear.

(e) Spearing.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 3-3-97. Amended-1-1-98, 11-16-98, 12-31-98, Formerly 46-39.0047, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: August 6, 1999

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Amberjack

RULE TITLES:	RULE NOS.:
Purpose and Intent; Designation as Restricted Species	68B-40.001
Definitions	68B-40.002
Size Limits; Prohibition of Sale of Undersize Fish	68B-40.003
Bag Limits	68B-40.004
Harvest for Commercial Purposes, Seasonal Prohibition From Sale	68B-40.005

PURPOSE AND EFFECT: The purpose of this rulemaking is to merge the regulations contained within this rule chapter with those of Chapter 68B-14., F.A.C., which regulates the harvest of reef fish species in Florida state waters. Both the South

Atlantic and the Gulf of Mexico Fishery Management Councils regulate amberjacks as reef fish, and most of the definitions, commercial harvest requirements, and prohibitions for these species are similar if not identical. The effect will be to allow Florida's amberjack regulations to more closely mirror those of the federal councils, thus easing the regulatory burden on Florida's citizens.

SUMMARY: The regulations contained within Rule Chapter 68B-40, F.A.C., are being repealed, and all provisions are being merged with Rule Chapter 68B-14, F.A.C.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: Beginning at 9:00 a.m., each day, October 7-8, 1999

PLACE: St. Petersburg Hilton Hotel, 333 First Street, South, St. Petersburg, Florida

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 5 calendar days before the meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-40.001 Purpose and Intent; Designation as Restricted Species.

Specific Authority 370.01(20), 370.027(2) FS. Law Implemented 370.01(20), 370.025, 370.027 FS. History--New 2-1-90, Formerly 46-40.001, Amended 12-31-92, 12-31-98, Repealed.

68B-40.002 Definitions.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 2-1-90, Formerly 46-40.002, Amended 12-31-92, 1-1-98, Repealed.

68B-40.003 Size Limits; Prohibition of Sale of Undersize Fish.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 2-1-90, Formerly, 46-40.003, Amended 12-31-92, 1-1-98, Repealed.

68B-40.004 Bag Limits.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 2-1-90, Formerly, 46-40.004, Amended 12-31-92, 4-1-96, 1-1-98, Repealed.

68B-40.005 Harvest for Commercial Purposes, Seasonal Prohibition From Sale.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 2-1-90, Formerly, 46-40.005, Amended 12-31-92, 3-18-96, 1-1-98, 12-31-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-138.002

RULE TITLE: Financial and Market Conduct Examination Reimbursement Expenses

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 23, No. 33, August 15, 1997, of the Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA ON  
SEPTEMBER 14, 1999**

The Governor and Cabinet, on September 14, 1999, sitting as head of the Department of Revenue, will consider approving the proposed amendments to Rule 12-18.001, FAC, Authorization for Compensation; Rule 12-18.002, FAC, Eligibility to File Claim for Compensation; Rule 12-18.003, FAC, Amount and Payment of Compensation; Rule 12-18.004, FAC, Submission of Information and Claims for Compensation; and Rule 12-18.008, FAC, Compensation for Vending Machine Violations; and the proposed repeal of Rule 12-18.005, FAC, Confidentiality and Anonymity, and Rule 12-18.006, FAC, Filing Claim for Compensation. The proposed amendments and proposed rule repeals conform the rules regarding compensation for information relating to tax violations to current statutory provisions, remove obsolete provisions, and remove the recitation of statutory language as mandated by s. 120.74, F.S. The amendments provide guidelines on how to submit a claim with the Department to receive compensation for information regarding tax violations; guidelines for determining when an applicant will be eligible for compensation; and guidelines used by the Department in determining the amount of compensation to be paid. These rules were originally noticed in the Florida Administrative Weekly on December 11, 1998, Vol. 24, No. 50, pp. 6746-6749. A public hearing was held on January 5, 1999. No interested parties from the private sector attended. In response to written comments received from the Joint Administrative Procedures Committee, dated February 1, 1999, a Notice of Change was published in the Florida Administrative Weekly on August 13, 1999, Vol. 25, No. 32, pp. 3695-3698.

**DEPARTMENT OF LABOR AND EMPLOYMENT  
SECURITY**

**Division of Workers' Compensation**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
38F-7.501	Florida Workers' Compensation Reimbursement Manual For Hospitals

**NOTICE OF CHANGE**

NOTICE IS HEREBY GIVEN in accordance with subparagraph 120.54(3)(d)1., F.S., that as a result of comments received from the Florida Legislative Joint Administrative Procedures Committee, the following changes have been made to the above-referenced proposed rule which was published in the March 5, 1999 issue of the Florida Administrative Weekly (Vol. 25, No. 9). No changes were made to the text of the

proposed rule as published; rather, all of the changes were made to the Florida Workers' Compensation Reimbursement Manual for Hospitals, 1999 Edition, incorporated by reference within the rule, as follows:

Section 2 – Publications Adopted by Reference – Additional identifying information for the referenced publications was provided.

Comprehensive Accreditation Manual for Hospitals: The Official Handbook (CAMH), with CAMH update 2, dated May 1999. Ordering information can be found in Appendix B to this manual.

Length of Stay by Operation, United States, 1999, ISBN: 1-57372-185-0; ISSN:

1097-3320. Ordering information can be found in Appendix B to this manual.

Length of Stay by Diagnosis, United States, 1999, ISBN: 1-57372-177-8; ISSN:

1099-3312. Ordering information can be found in Appendix B to this manual.

UB-92, National Uniform Billing Data Element Specifications Adopted by the Florida State Uniform Billing Committee, updated April 1, 1999, May 1999, June 1999, and July 1999 (UB-92 Manual). Ordering information can be found in Appendix B to this manual.

Section 10B – Additional identifying information for the referenced publication was provided.

Appendix A: Definitions – (4) – The definition for “carrier” was amended to exactly track the definition of “carrier” found in s. 440.13(1)(c), F.S.

Appendix A: Definitions – (15) – The definition for “Length of Stay Standards” was amended to delete the reference to the Length of Stay by Diagnosis and Operation, Southern Region publication.

Appendix B: Resource Documents – Additional identifying information for the referenced publications was provided.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE CHAPTER NO.:</b>	<b>RULE CHAPTER TITLE:</b>
40E-1	General And Procedural
<b>RULE NO.:</b>	<b>RULE TITLE:</b>
40E-1.607	Permit Application Processing Fees

**NOTICE OF WITHDRAWAL OF  
NOTICE OF RULEMAKING**

Notice is hereby given that the Notice of Proposed Rulemaking published in Vol. 25, No. 22, June 4, 1999, issue of the Florida Administrative Weekly, has been withdrawn. The proposed amendments to this rule and the Notice of Proposed Rulemaking were re-published in Vol. 25, No. 28, July 16, 1999, issue of the Florida Administrative Weekly, with the addition of the SERC summary. No changes were made to the rule text when it was re-published. Rulemaking is proceeding as noticed on July 16, 1999.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-3	Water Wells
RULE NO.:	RULE TITLE:
40E-3.101	Content of Application

NOTICE OF WITHDRAWAL  
OF NOTICE OF RULEMAKING

Notice is hereby given that the Notice of Proposed Rulemaking published in Vol. 25, No. 22, June 4, 1999, issue of the Florida Administrative Weekly, has been withdrawn. The proposed amendments to this rule and the Notice of Rulemaking were re-published in Vol. 25, No. 28, July 16, 1999, issue of the Florida Administrative Weekly, with the addition of the SERC summary. No changes were made to the rule text when it was re-published. Rulemaking is proceeding as noticed on July 16, 1999.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-3	Water Wells
RULE NO.:	RULE TITLE:
40E-3.201	Permit Application Fees

NOTICE OF WITHDRAWAL OF  
NOTICE OF RULEMAKING

Notice is hereby given that the Notice of Rulemaking published in Vol. 25, No. 22, June 4, 1999, issue of the Florida Administrative Weekly, has been withdrawn. The proposed amendments to this rule and the Notice of Proposed Rulemaking were re-published in Vol. 25, No. 28, July 16, 1999, issue of the Florida Administrative Weekly, with the addition of the SERC summary. No changes were made to the rule text when it was re-published. Rulemaking is proceeding as noticed on July 16, 1999.

**DEPARTMENT OF ELDER AFFAIRS**

**Assisted Living Facilities**

RULE NOS.:	RULE TITLES:
58A-5.0131	Definitions
58A-5.014	License Application, Change of Ownership, and Provisional License
58A-5.015	License Renewal and Conditional License
58A-5.016	License
58A-5.0181	Residency Criteria and Admission Procedures
58A-5.0185	Medication Practices
58A-5.019	Staffing Standards
58A-5.0191	Staff Training Requirements and Training Fee
58A-5.020	Food Service Standards

58A-5.021	Fiscal Standards
58A-5.023	Physical Plant Standards
58A-5.024	Records
58A-5.026	Emergency Management
58A-5.030	Extended Congregate Care Services
58A-5.033	Administrative Enforcement

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. 12, March 26, 1999, issue of the Florida Administrative Weekly.

58A-5.0131 Definitions.

(1) through (3) No change.

(4) "Assistance with activities of daily living" means individual assistance with the following:

(a) Ambulation – Providing physical support to enable the resident to move about within or outside the facility. Physical support includes supporting or holding the resident's hand, elbow, or arm; holding on to a support belt worn by the resident to assist in providing stability or direction while the resident ambulates; or pushing the resident's wheelchair. The term does not include assistance with transfer.

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

(9) "Certified nursing assistant (CNA)" means a person certified under part XV of chapter 468 s. 400.211, F.S.

(10) through (35) No change.

58A-5.014 License Application, Change of Ownership, and Provisional Licenses.

(1) LICENSE APPLICATION. An applicant for a standard assisted living facility license, or a limited mental health, extended congregate care, or limited nursing license may obtain a license application package from the AHCA central office.

(a) The completed application shall be signed, under oath, by an owner (or corporate officer if the owner is a corporation), the administrator, or an individual designated in writing by an owner or corporate officer, who is at least 18 years old, ~~notarized~~, and include the following:

1. through 5. No change.

6. For applicants anticipating a licensed capacity of 14 or fewer residents and located in an area zoned single-family or multi-family, documentation of compliance with the community residential home requirements specified in chapter 419, F.S., obtained from the Department of Children and Family Services' district community residential home coordinator. If not located in an area zoned single-family or multi-family, local Zoning Form, AHCA Form 3180-1021, September 1996, which is incorporated by reference, or a letter from the local zoning authority, signed by the county zoning official, which states that the applicant is in compliance with local zoning ordinances.

7. through 9. No change.

10. For each person specified in s. 400.4174(1), F.S.:

a. A signed Florida Abuse Hotline Information System Background Check, AHCA Form 3110-0003, July 1998, which is incorporated by reference;

b. A set of fingerprints obtained from the nearest available local law enforcement agency on the fingerprint card provided by the agency; and.

c. A check or money order to cover the cost of screening. ~~One check or money order can be submitted to cover both the screening and license fee costs described in paragraph (c).~~

11. through 14. No change.

(b) through (d) No change.

(2) CHANGE OF OWNERSHIP (CHOW). ~~An application package for a change of ownership of a currently licensed facility is available from the AHCA central office.~~

(a) Pursuant to s. 400.412, F.S., the transferor shall notify the agency in writing, at least 60 days prior to the date of transfer of ownership.

(b) Completed applications shall be filed with the agency by the transferee at least 60 days before the date of transfer of ownership as required by s. 400.412, F.S., and must include the information and fees required under subsection (1) of this rule. An application package for a change of ownership of a currently licensed facility is available from the AHCA central office.

~~(c)(b)~~ No change.

(d)(e) The current resident contract on file with the facility shall be considered valid until such time as the transferee is licensed and negotiates a new contract with the resident.

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

(3) PROVISIONAL LICENSE.

(a) The agency shall may issue a provisional license to an applicant making an initial application for a standard license or who has filed a completed application for a change of ownership, and who is waiting for an agency survey, the if the applicant has met all other licensing requirements and is:

1. Waiting for the receipt of Federal Bureau of Investigation background screening results; or

2. Waiting for a response to a request for an exemption from the disqualification due to violation of background screening standards listed in ss. 435.03 or 435.05, F.S., as applicable, provided that the exemption from disqualification request is for: felonies committed more than 10 years ago; misdemeanors, including offenses that were felonies when committed but are now misdemeanors; findings of delinquency; and acts of domestic violence committed more than 5 years ago.

(a) through (c) renumbered (b) through (d) No change.

(4) No change.

58A-5.015 License Renewal and Conditional Licenses.

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

(c) Applicants for renewal of licenses shall remit license fees as required by s. 400.407, F.S., and rule 58A-5.014. With respect to the fee per bed required for a standard license, the number of OSS recipients claimed shall be the average number per month residing in the facility during the previous license period. ~~A per bed refund shall be credited to the bed fee for a facility whose average number of OSS residents per month exceeded the number of beds designated for OSS recipients during the previous license period.~~ An additional per bed charge shall be added to the bed fee for facilities whose average number of OSS residents per month was less than the number of beds designated for OSS recipients during the previous license period.

(2) CONDITIONAL LICENSE. Except as provided under s. 400.414, F.S., the agency shall may issue a conditional license to a facility if, at the time of license renewal the facility is found to have uncorrected violations which the facility has had an opportunity to correct.

(a) through (b) No change.

~~(c) A conditional license shall be revoked and license denied if subsequent follow-up surveys by the agency indicate that necessary progress has not been made toward compliance with applicable licensing standards.~~

(d) through (3) No change.

58A-5.016 License.

(1) through (2) No change.

(3) A change in the use of space that increases or decreases a facility's capacity shall not be made without prior approval from the AHCA central office. Approval shall be based on the compliance with the physical plant standards provided in rule 58A-5.023, as well as documentation of compliance with applicable firesafety and sanitation standards as referenced in rule 58A-5.0161.

(4) A change in the use of space that involves converting to resident use an area which has not previously been inspected for such use shall not be made without prior approval from the AHCA area office. Approval shall be based on the compliance with the physical plant standards provided in rule 58A-5.023, as well as documentation of compliance with applicable firesafety and sanitation standards as referenced in rule 58A-5.0161.

(5) No change.

58A-5.0181 Residency Admission Criteria and Admission Procedures.

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

(m) Have been determined to be appropriate for admission to the facility by the facility administrator. The administrator shall base his/her decision on:

1. An assessment of the strengths, needs, and preferences of the individual, and the medical examination report required by s. 400.426, F.S., and subsection (2) of this rule;

2. The facility's admission policy criteria, and the services the facility is prepared to provide or arrange for to meet resident needs; and

3. The ability of the facility to meet the uniform fire safety standards for assisted living facilities established under s. 400.441, F.S., and rule chapter 4A-40.

(n) Resident admission criteria for facilities holding an extended congregate care license are described in rule 58A-5.030.

(2)(a) No change.

(b) Medical examinations conducted up to 30 days after the resident's admission to the facility must be recorded on the Resident Health Assessment, DOEA Form 1823, dated March 1999, which is incorporated by reference. A faxed copy of the completed form is acceptable. A copy of DOEA Form 1823 may be obtained from the DOEA Assisted Living Program. Previous versions of this form completed up to 6 months after (the effective date of this rule) are acceptable.

(c) through (g) No change.

(3) through (5) No change.

58A-5.0185 Medication Practices.

(1) through (2) No change.

(3) ASSISTANCE WITH SELF-ADMINISTRATION.

(a) For facilities which provide assistance with self-administered medication, either: a nurse; or an unlicensed a staff member who is at least 18 years old, trained to assist with self-administered medication in accordance with rule 58A-5.0191, and able to demonstrate to the administrator the ability to accurately read and interpret a prescription label, must be available to assist residents with self-administered medications in accordance with procedures described in s. 400.4256, F.S.

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

(6) MEDICATION STORAGE AND DISPOSAL.

(a) In order to accommodate the needs and preferences of residents and to encourage residents to remain as independent as possible, a resident may keep his/her medication, both prescription and over-the-counter, on his/her person both on or off the facility premises; or in his/her room or apartment which must be kept locked when the resident is absent unless the medication is in a secure place within the room or apartment; or in some other secure place which is out of sight of other residents. However, both prescription and over-the-counter medication for a resident shall be centrally stored if:

1. The facility ~~assists with or~~ administers the medication;
2. through 6. No change.

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

58A-5.019 Staffing Standards.

(1) through (3) No change.

(4) STAFFING STANDARDS.

(a) Minimum staffing:

~~1. At least one staff member shall be within the facility at all times when residents are in the facility. Residents serving as paid or volunteer staff may not be left solely in charge of other residents while the facility administrator and staff are absent from the facility.~~

2. Facilities shall maintain the following minimum staff hours. In addition to the 24-hour staffing required in subparagraph 1., facilities with more than 5 residents shall, at a minimum, add the following staff hours per day, 7 days per week:

Number of Residents	Staff Hours / <u>Week Day</u>
<u>0-5</u>	<u>168</u>
6-15	<u>212</u> <del>30</del>
16-25	<u>253</u> <del>35</del>
26-35	<u>294</u> <del>41</del>
36-45	<u>335</u> <del>47</del>
46-55	<u>375</u> <del>53</del>
56-65	<u>416</u> <del>58</del>
66-75	<u>457</u> <del>64</del>
76-85	<u>498</u> <del>70</del>
86-95	<u>539</u> <del>75</del>

For every 20 residents over 95 add 42 ~~6~~ staff hours per week day.

2. At least one staff member who has access to facility and resident records in case of an emergency shall be within the facility at all times when residents are in the facility. Residents serving as paid or volunteer staff may not be left solely in charge of other residents while the facility administrator, manager or other staff are absent from the facility.

3. In facilities with 17 or more residents, there shall be one staff member awake at all hours of the day and night.

4. At least one staff member who is ~~at least 18 years of age, has access to facility and resident records in case of an emergency, and is~~ trained in First Aid and CPR, as provided under rule 58A-5.0191, shall be within the facility at all times when residents are in the facility.

5. During periods of temporary absence of the administrator or manager when residents are on the premises, a staff member who is at least 18 years of age, must be designated in writing to be in charge of the facility.

6.5. Staff whose duties are exclusively building maintenance, clerical, or food preparation shall not be counted toward meeting the minimum staffing hours requirement.

7.6. The administrator or manager's time may be counted for the purpose of meeting the required staffing hours provided the administrator is actively involved in the day-to-day operation of the facility, including making decisions and providing supervision for all aspects of resident care, and is listed on the facility's staffing schedule.

8.7. Only on-the-job staff may be counted in meeting the minimum staffing hours. Vacant positions or absent staff may not be counted.



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

58A-5.0191 Staff Training Requirements and Training Fees.

(1) ASSISTED LIVING FACILITY CORE TRAINING AND UPDATES.

(a) No change.

(b) Administrators and managers, must complete the assisted living facility core training program within 3 months from the date of becoming a facility administrator or manager. Administrators who attended core training prior to July 1, 1997, and managers who attended core training program prior to April 20, 1998, shall not be required to take the competency test. Administrators licensed as nursing home administrators in accordance with part II of chapter 468, F.S., are exempt from this requirement.

(c) No change.

(d) Administrators and managers shall, in addition, attend update training for any portion of core training that has been revised as a result of new legislation, rule amendment, or updated materials. Update training received under this paragraph ~~can may~~ count towards the 12 hours of continuing education required by s. 400.452, F.S., and this subsection.

(e) through (4) No change.

(5) ASSISTANCE WITH SELF-ADMINISTERED MEDICATION AND MEDICATION MANAGEMENT. Unlicensed persons who will be providing assistance with self-administered medications as described in rule 58A-5.0185 must receive a minimum of 4 hours of training prior to assuming this responsibility. ~~A licensed registered nurse or pharmacist shall be considered as having met this requirement.~~ Courses provided in fulfillment of this requirement must meet the following criteria:

(a) through (7)(b) No change.

(c) All direct care staff providing care to residents in an extended congregate care program must complete at least ~~2~~ 6 hours of in-service training provided by the facility within 6 months of beginning employment in the facility. The training must address extended congregate care concepts and requirements, including statutory and rule requirements, and delivery of personal care and supportive services in an extended congregate care facility.

(8) through (9) No change.

(a) Facility staff who have regular contact with or provide direct care to residents with Alzheimer's disease and related disorders, shall obtain 4 hours of initial training within 3 months of employment. ~~Facility staff who are already employed prior to April 20, 1998, shall have 6 months from that date to complete this training.~~ Completion of the core training program after April 20, 1998, shall satisfy this requirement. Facility staff who meet the requirements for Alzheimer's training providers under paragraph (g) of this subsection will be considered as having met this requirement.

“Staff who have regular contact” means staff who interact on a daily basis with residents but do not provide direct care to residents. Initial training must address the following subject areas:

1. through 6. No change.

(b) Facility staff who provide direct care to residents with Alzheimer's disease and related disorders, must obtain an additional 4 hours of training within 9 months of employment. ~~Facility staff who are already employed prior to April 20, 1998, shall have 9 months from that date to complete this training.~~ Facility staff who meet the requirements for Alzheimer's training providers under paragraph (g) of this subsection will be considered as having met this requirement. Such training must address the following subject areas as they apply to these disorders:

1. through 5. No change.

(c) through (g) No change.

(10) TRAINING PROVIDER AND CURRICULUM APPROVAL; TRAINING DOCUMENTATION.

(a) All persons seeking to provide training which must be approved by the department under this rule shall submit ~~an application provided by the department documenting~~ their qualifications to provide training and proposed course curriculums to the department prior to training. Upon receipt of approval from the department, the training provider may identify the training program as “approved by the Florida Department of Elder Affairs for purposes of meeting the training requirements of s. 400. 4178 or s. 400.452, F.S., and Rule 58A-5.0191.” The department shall maintain a list of approved training providers and curriculum. Approval shall be granted for 3 years, whereupon the training provider must re-submit the training program to the department for re-approval.

(b) through (12) No change.

58A-5.020 Food Service Standards.

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

(e) Therapeutic diets shall be prepared and served as ordered by the health care provider.

1. No change.

2. The facility shall document a resident's refusal to comply with a therapeutic diet and notification to the resident's health care provider of such refusal. ~~However, a competent individual shall not be compelled to follow a therapeutic diet.~~ If a resident refuses to follow a therapeutic diet after the benefits are explained, a signed statement from the resident ~~or the resident's responsible party~~, refusing the diet is acceptable documentation of a resident's preferences. In such instances daily documentation is not necessary.

(f) For facilities serving three or more meals a day, no more than 14 hours shall elapse between the end of an evening meal containing a protein food and the beginning of a morning meal. Intervals between meals shall be evenly distributed

throughout the day with not less than two hours nor more than six hours between the end of one meal and the beginning of the next. For residents without access to kitchen facilities, snacks shall be offered provided upon resident request at least once per day ~~when residents are normally awake~~. Snacks are not considered to be meals for the purposes of calculating the time between meals.

(g) through (h) No change.

(3) FOOD HYGIENE. ~~(a) Depending on the licensed capacity of the ALF, facilities shall comply with the applicable portions of rule 64E-12.004, or rule chapter 64E-11 in all matters pertaining to food hygiene.~~ (b) Copies of the quarterly food hygiene inspection reports issued by the county health department, for the last 2 3 years pursuant to rule 64E-12.004, or rule chapter 64E-11, as applicable, depending on the licensed capacity of the ALF, shall be on file in the facility.

(4) No change.

58A-5.021 Fiscal Standards.

(1) FINANCIAL STABILITY. The facility shall be administered on a sound financial basis in order to ensure adequate resources to meet resident needs. For the purposes of s. 400.447, F.S., evidence of financial instability includes filed bankruptcy by any owner; issuance of checks returned for insufficient funds; delinquent accounts; nonpayment of local, state, or federal taxes or fees; unpaid utility bills; tax or judgment liens against facility or owners property; failure to meet employee payroll; confirmed complaints to the agency or district long-term care ombudsman council regarding withholding of refunds or funds due residents; failure to maintain liability insurance due to non-payment of premiums; non-payment of rent or mortgage; non-payment for essential services; or adverse court action which could result in the closure or change in ownership or management of the ALF. When there is evidence of financial instability, the agency shall ~~may~~ require the facility to submit the following documentation:

(a) Facilities with a capacity of 25 or less:

1. Payment of local, state or federal taxes;
2. Delinquent accounts, if any;
3. through 7. No change.

(b) No change.

(2) ACCOUNTING PROCEDURES. The facility shall maintain written business records, using generally accepted accounting principles as defined in rule 61H1-20.007, a recognized system of accounting which accurately reflect the facility's assets and liabilities and income and expenses. Income from residents shall be identified by resident name in supporting documents, and income and expenses from other sources, such as from day care or interest on facility funds, shall be separately identified.

(3) through (5) No change.

(6) SURETY BONDS. Pursuant to the requirements of Section 400.427(2), F.S.:

(a) A facility whose owner, administrator, or staff, or representative thereof, serves as the representative payee or attorney-in-fact for facility residents, must maintain a surety bond, a copy of which shall be filed with the agency. For corporations which own more than one facility in the state, one surety bond may be purchased to cover the needs of all residents served by the corporation.

1. No change.

2. If holding a power of attorney:

a. The minimum bond proceeds shall equal twice the average monthly income of the resident amount or value of all monies or other assets included under the power of attorney, including the average trust fund balance, plus the value of any resident property under the control of the attorney-in-fact held by the facility; or

b. For residents who receive OSS, the minimum bond proceeds shall equal twice the supplemental security income or social security disability income and the OSS payments including the personal allowance, plus the value of any resident property held at the facility.

(b) through (8) No change.

58A-5.023 Physical Plant Standards.

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

(b) During hours when residents are normally awake mechanical cooling devices, such as electric fans, must be used in those areas of buildings used by residents when inside temperatures exceed 85 degrees Fahrenheit provided outside temperatures remain below 90 degrees Fahrenheit. No residents shall be in any inside area that exceeds 90 degrees Fahrenheit. However, during daytime hours when outside temperatures exceed 90 degrees, and at night, an indoor temperature of no more than 81 degrees Fahrenheit must be maintained in all areas used by residents. ~~Newly licensed facilities or facilities renovated after (6 months after effective date of rule), shall not permit indoor temperatures to exceed 85 degrees in any area used by residents.~~

(c) Residents who have individually controlled thermostats in their bedrooms or apartments shall be permitted to control temperatures in those areas.

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

~~(d) Hot and cold water faucets shall be identified by use of H and C initials or by red and blue painted shading or dots.~~

~~(d)(e) Sole access to a toilet or bathtub or shower shall not be through another resident's bedroom, except in apartments within a facility.~~

~~(e)(f) Residents who use portable bedside commodes shall be provided with privacy in their use. Commodes must be emptied and sanitized daily.~~

(6) through (7)(d) No change.

(e) Pursuant to s. 400.441, F.S., facilities with 16 or fewer residents shall not be required to maintain an accessible telephone in each building where residents reside, maintain written staff job descriptions, have awake night staff, or maintain standardized recipes as provided in rules 58A-5.0182(6)(g), 58A-5.019(2)(e), 58A-5-019(4)(a), and 58A-5.020(2)(b) respectively.

58A-5.024 Records.

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

(d) An up-to-date record of major incidents occurring within the last 2 ~~3~~ years. Such record shall contain a clear description of each incident; the time, place, names of individuals involved; witnesses; nature of injuries; cause if known; action taken; a description of medical or other services provided; by whom such services were provided; and any steps taken to prevent recurrence. These reports shall be made by the individuals having first hand knowledge of the incidents, including paid staff, volunteer staff, emergency and temporary staff, and student interns.

(e) through (l) No change.

(m) All firesafety inspection reports issued by the local authority having jurisdiction or the State Fire Marshal pursuant to s. 400.441, F.S., and rule chapter 4A-40 issued within the last 2 ~~3~~ years.

(n) All sanitation inspection reports issued by the county health department pursuant to s. 381.031 and rule chapter 64E-12, issued within the last 2 ~~3~~ years.

(o) Pursuant to s. 400.435, F.S., all completed survey, inspection and complaint investigation reports, and notices of sanctions and moratoriums issued by the agency within the last 5 years.

(p) through (2) No change.

(3) RESIDENT RECORDS. Resident records shall be maintained on the premises and include:

(a) Resident demographic data as follows:

1. through 7. No change.

8 Branch of military service and military identification number for residents admitted after September 30, 1992, if available;

8.9. Name, address, and telephone number of next of kin, responsible party, or other person the resident would like to have notified in case of an emergency, and relationship to resident; and

9.10. Name, address, and phone number of health care provider, and case manager if applicable.

(b) through (o) No change.

(p) Except for resident contracts which must be retained for 5 years, all resident records shall be retained for 2 ~~3~~ years following the departure of a resident from the facility unless it is required by contract to retain the records for a longer period of time. Upon request, residents shall be provided a copy of their resident records upon departure from the facility.

(3)(q) through (4)(a) No change.

(b) The AH resident's records shall be available to the resident, and the resident's legal representative, designee, surrogate, guardian, or attorney in fact, case manager, or the resident's estate, and such additional parties as authorized in writing.

(c) through (d) No change.

58A-5.026 Emergency Management.

(1) No change.

(2) EMERGENCY PLAN APPROVAL. The plan shall be submitted for review and approval to the county emergency management agency ~~in accordance with rule 9G-20.007.~~

(a) The county emergency management agency has 60 days in which to review and approve the plan or advise the facility of necessary revisions. Any revisions must be made and the plan resubmitted to the county office of emergency management within 30 days of receiving notification from the county agency that the plan must be revised.

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

58A-5.030 Extended Congregate Care Services.

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

(b) A bathroom, with a toilet, sink, and bathtub or shower, which is shared ~~by with~~ a maximum of 4 ~~3~~ other residents. A centrally located hydro-massage bathtub may substitute for the bathtub or shower in two of the bathrooms. The entry door to the bathroom shall have a lock which is operable from the inside by the resident with no key needed. The resident's service plan may allow for a non-locking bathroom door if the resident's safety would otherwise be jeopardized.

~~(c) Air conditioning must be available to maintain inside temperatures not exceeding 85 degrees Fahrenheit in areas used by residents. Residents who have individually controlled thermostats in their rooms shall be permitted to control temperatures in their rooms.~~

(4) No change.

(5) ADMISSION AND CONTINUED RESIDENCY.

(a) An individual must meet the following minimum criteria in order to be admitted to an extended congregate care program.

1. through 6. No change.

7. Not require any of the following nursing services:

a. Oral or nasopharyngeal suctioning;

b. ~~Assistance with~~ Nasogastric tube feeding;

c. Monitoring of blood gases;

d. Intermittent positive pressure breathing therapy;

e. Skilled rehabilitative services as described in rule 59G-4.290; or

f. Treatment of a surgical incision, unless the surgical incision and the condition which caused it have been stabilized and a plan of care developed.

8. through 9. No change.

(5)(b) through (10) No change.

58A-5.033 Administrative Enforcement.

Facility staff shall cooperate with agency personnel during surveys, complaint investigations, monitoring visits, implementation of correction plans, license application and renewal procedures and other activities necessary to ensure compliance with part III of chapter 400, F.S., and this rule chapter.

(1) INSPECTIONS.

(a) Pursuant to s. 400.434, F.S., the agency shall conduct a survey, investigation, or appraisal of a facility:

1. through 5. No change.

6. ~~At any time~~ If the agency has reason to believe a facility is violating a provision of part III of chapter 400, F.S., or this rule chapter;

7. To determine if cited deficiencies have been corrected; and

8. To determine if a facility is operating without a license.

(b) No change.

(c) Agency personnel ~~shall may~~ interview facility staff and residents in order to determine whether the facility is respecting resident rights and to determine compliance with resident care standards. Interviews shall be conducted privately.

(d) Agency personnel shall respect the private possessions of residents and staff while conducting facility inspections.

(2) ABBREVIATED SURVEY.

(a) An applicant for license renewal who does not have any class I or class II violations or uncorrected class III violations, confirmed long-term care ombudsman council complaints reported to the agency by the LTCOC, or confirmed licensing complaints within the two licensing periods immediately preceding the current renewal date shall be eligible for an abbreviated biennial survey by the agency. Facilities that do not have two survey reports on file with the agency under current ownership are not eligible for an abbreviated inspection. Upon arrival at the facility, the agency shall inform the facility that it is eligible for and that an abbreviated survey will be conducted ~~prior to the survey~~.

(b) Compliance with key quality of care standards described in the following statutes and rules will be used by the agency during its abbreviated survey of eligible facilities:

1. through 3. No change.

4. Section 400.441, F.S., and rule 58A-5.0182, relating to the provision of supervision, assistance with ADLs, and arrangement for appointments and transportation to appointments;

5. Section 400.4256, F.S., and rule 58A-5.0185, relating to, and assistance with or administration of medications;

5. through 9. renumbered 6. through 10. No change.

(c) The agency will expand the abbreviated survey or conduct a full survey if violations which threaten or potentially threaten the health, safety, or security of residents for facilities in which significant problems are identified during the abbreviated survey. The facility shall be informed that a full survey will be conducted. If one or more of the following serious problems are identified during an abbreviated survey, a full biennial survey will be immediately conducted:

1. through 4. No change.

(3) through (4) No change.

(5) ADMINISTRATIVE SANCTIONS. Administrative fines ~~shall may~~ be imposed for class I violations, or class II, III, or IV violations which are not corrected within the time frame set by the agency, and for repeat class II or III violations, as set forth in s. 400.419, F.S.

(a) The agency ~~shall may~~ impose a fine for unclassified violations which do not meet the criteria for either a Class I, II, III, or IV violation as provided under s. 400.419, F.S., but which are not trivial or are uncorrected. Unclassified violations include, but are not limited to, the following violations:

1. through 4. No change.

(b) through (e) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE CHANGE IS: Pat Dunn, Office of General Counsel, (850)414-2000, Meta Calder, Assisted Living Program, (850)414-2309; Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Medicaid**

RULE NO.:  
59G-6.010

RULE TITLE:  
Payment Methodology for Nursing Home Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 16, Florida Administrative Weekly, April 23, 1999. In response to comments received from the Joint Administrative Procedures Committee, Section I.D. has been amended to include "wind" as an emergency circumstance. Additionally, item 4 contained in Section III which reads "Any other requirements for licensing under laws in the State which are necessary for providing long-term care facility services, as applicable" will be removed.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE CHAPTER NO.: 60L-14

RULE CHAPTER TITLE:  
State Training Program

RULE NOS.:  
60L-14.001

RULE TITLES:  
Scope and Purpose

60L-14.006 Basic Supervisory Skills Training Program, (BSSTP)  
 60L-14.0061 SMS/SES Professional Development Program  
**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 25, No. 23, June 11, 1999, issue of the Florida Administrative Weekly.

**60L-14.001 Scope and Purpose.**

This chapter provides for a state training and development program for improving employee and organizational performance. This rule applies only to Career Service, Senior Management Service (SMS) and Selected Exempted Service (SES) employees in executive branch, except the State University System.

60L-14.006 Basic Supervisory Skills Training Program (BSSTP).

(5)(b) An agency may extend this period up to six months, with the approval of the agency head, when there are extenuating circumstances. Extenuating circumstances include, ~~but are not limited to:~~ military leave; natural disasters and other emergency conditions; parental leave; and disability or sick leave.

60L-14.0061 SMS/SES Professional Development Program.

(2) The components for the SMS/SES Professional Development Program shall include, ~~but are not limited to,~~ the following:

(a) through (h) No change.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE NO.: RULE TITLE:  
 61G8-24.044 Operating Procedures

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 5, February 5, 1999, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: RULE TITLE:  
 61G15-21.002 Areas of competency and Grading Criteria

**NOTICE OF WITHDRAWN**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 30, July 30, 1999, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: RULE TITLE:  
 64B10-15.0021 Approved Providers  
**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. 11, March 19, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. Subsection (4) of the rule shall now read as follows:

(4) The Board shall monitor and review all programs; it shall disapprove any or all credit if there is a failure to meet the criteria of Rule 64B10-15.002(1), above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #4, Tallahassee, Florida 32399-3254.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Loans
67-21.0035	Applicant Administrative Appeal Process
67-21.004	Federal Set-Aside and Public Policy Requirements
67-21.006	Development Requirements
67-21.007	Fees
67-21.011	No Discrimination
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
67-21.019	Issuance of Bonds for 501(c)(3) Corporations

**NOTICE OF CHANGE**

Notice is hereby given that in response to oral and written comments and recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-21, Florida Administrative Code as published in Volume 25, Number 27 of the Florida Administrative Weekly on July 9, 1999.

67-21.002 Definitions.

(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. The Applicant entity, as identified in the Application, cannot be changed until after final allocation of tax credits has been issued by FHFC.

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

~~(9) "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.~~

~~(14)(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, and simultaneously, the Credit Underwriter shall verify and analyze all such information in accordance with the Completeness and Threshold Checklist Check List found in Appendix A of the Application.~~

~~(22) "Cross-collateralization" means the pledging of the security of one Development to the obligations of another development.~~

~~(23) "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 Development may serve as a replicable model for future Florida Housing programs, and otherwise complies with any rule of Florida Housing regarding Demonstration Developments.~~

(25) "Developer Fees" means the fee earned by the Developer. Such fee shall be limited to 18 percent of Total Development Costs excluding land and, for rehabilitation, 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 and Developer'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 of the Applicant's or Developer's attorney(s) awarded in conjunction with litigation against

FHFC with respect to a Development shall not also be included in Total Development Costs. Fees for services provided by architects, accountants, appraisers, engineers or Financial Advisors may be included as part of the Total Development Costs, except 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. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest relationship as defined herein between the Applicant, 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. Florida Housing shall not authorize fees to be paid for duplicative services or duplicative overhead.

~~(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.~~

~~(33) "Financial Beneficiary" means one who is to receive a financial benefit of:~~

~~(a) 3% or more of total Development Cost (including deferred fees) if total Development Cost is \$5 million or less; or~~

~~(b) 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if total Development cost is greater than \$5 million.~~

This definition includes any party which meets the above criteria, such as the Developer and its principals and principals of the Applicant entity. The definition does not include third party lenders, housing credit syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are within the limit described in Rule 67-21.002(35), F.A.C.

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

(56) "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 ordinary and customary documents necessary 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 to protect the tax-exempt status of the ~~Tax-Exempt~~ Bonds.

(57) "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 agree to incorporate into the design of their Development.~~ These requirements shall 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.

(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), ~~of the Code IRC.~~

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

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

(a) For Taxable Bonds – 20 percent or more of the residential units in the Development shall 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; provided, however, that if such taxable bonds are being issued in connection with Tax-Exempt Bonds, the requirements of (b) below shall govern.

67-21.003 Application and Selection Process for Loans.

(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 in the Florida Administrative Weekly and which received a satisfactory CTC based upon the initial Application.

~~Any a~~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. 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.

(5) Applications which are deemed by the Credit Underwriter to have satisfactorily met the requirements of the Completeness and Threshold Review Checklist set forth in the Application ~~receive a satisfactory CTC~~ shall be ranked using the criteria established by the Board pursuant to and listed in Rule 67-21.004, F.A.C.

(7) 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 equal to the amount of allocation requested in any Applicant's Program Application (including in a previous cycle) may be ~~designated or~~ reserved by the Board for future allocation necessary to resolve administrative or legal proceedings with respect to Program private activity bond allocations ~~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.~~ The Board may invite up to an additional five more Developments into Credit Underwriting beyond what is expected to ~~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.

(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~~ meets the requirements set forth in the Completeness and Threshold Review Checklist contained in the Application ~~satisfactory for purposes of the.~~ 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 ~~pursuant to 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) Florida Housing shall initiate TEFRA hearings on the proposed Developments whose Applications were received in response to the NOFA. Neither the TEFRA hearing, the invitation into final Credit Underwriting, nor the Acknowledgment Resolution obligate Florida Housing to finance the proposed Development in any way.

(13) 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 Developments. If the current year's State Bond Allocation is insufficient to fully 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) Florida Housing shall notify the Applicant, in writing, of the Board's determination related to approval of the final Credit Underwriting Report and require that the Applicant submit one-half of the Good Faith Deposit within 7 calendar days. 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. In the event the loan does not close within the designated time frame due to the fault of the Developer or Applicant, then the State Bond Allocation shall be forfeited.

(15) 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. The Board shall consider authorizing the execution of the Loan Commitment and shall consider final Board Approval reserving State Bond Allocation for a Development. Requests for Taxable Bonds shall be considered by the Board in an amount recommended by the Credit Underwriter. 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.

(17) Upon execution of a Loan Commitment Applicant shall pay the balance of the Good Faith Deposit and 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, if any;
- (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. Such determination shall be either pursuant to a factual hearing before the Board at which the Applicant shall be entitled to present evidence or as a result of a finding by a court of law or recommended order of an administrative law judge.

(20) At no time during the Application, CTC, and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development.

67-21.0035 Applicant Administrative Appeal Process.

(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 21 ~~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.



67-21.004 Federal Set-Aside and Public Policy Requirements.

(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 ~~Tax-Exempt Bond Program~~ funding that does not exceed \$65,000 per unit, and shall satisfy the Public Policy Criteria as follows:

(a) All Applicants shall commit to provide at least 20 percent or 40 percent of each unit size in excess of one bedroom and studio units in the Development to be occupied or reserved for occupancy by Lower Income Tenants in proportion to the minimum Set-aside requirement elected, as follows:

1. 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. 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 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, with family size adjustment (or for Developments financed prior to the Code, as amended, 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.

3. in the case of Developments financed solely 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, with family size adjustment (or for Developments financed prior to the Code, as amended, 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 two ~~three~~ of the Public Policy Criteria listed in 1.-6. below in this sub-paragraph.

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

2. 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 solely through the issuance of Taxable Bonds, 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, with family size adjustment (or for Developments financed prior to the 1986 IRS Code, as amended 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.

3. 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 to provide a minimum percentage of three-bedroom or four-bedroom units.

4. The Applicant 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. The Applicant 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 care, literacy training, health care, meals, or other~~ These tenant programs are as described in the Application.

(4) Initial consideration shall be given based on any or all of the criteria set forth below as shall be established by the Board 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.

(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 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 the lowest ratio dollar amount of State 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;
- (l) Developments with the lowest per unit cost;
- (m) Developments with a commitment for credit enhancement;
- (n) Developments with credit enhancement not constituting a private placement of Bonds;
- (o) Public Policy Criteria Selected by the Applicant;
- (p) Developments with a commitment from the Florida Housing Finance Corporation Guarantee Program;
- (q) Developments which provide Special farmworker housing needs;
- (r) Developments which provide uUrban-infill housing needs.

67-21.006 Development Requirements.

- (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 Applicant's 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.
- (13) The Applicant may limit the leasing of units 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.

(14) In the event that the Applicant has determined that the market no longer supports the Development as Elderly Housing and desires 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. A viable marketing plan is submitted to and is acceptable to Florida Housing showing a good faith effort to market the unit as Elderly Housing to older persons.
- b. The Applicant demonstrates that a good faith effort was made to lease the unit as Elderly Housing in accordance with the Federal Fair Housing Act to older persons and that such effort was made for at least six months ~~days~~ after the certificate of occupancy for the relevant unit was issued.
- c. The Applicant has requested and received Board approval.

(16) The owner of a Development must notify Florida Housing of an intended change in the management company. Florida Housing must approve, pursuant to Section 67-21.016(3), F.A.C., the Applicant's selection of a management agent prior to such company assuming responsibility for the Development. The Applicant's authorized representative must attend a Florida Housing-sponsored training workshop on certification and compliance procedures prior to the leasing of any units in the Development.

(19) Unless otherwise approved by the Board, Cross-collateralization shall not be allowed.

67-21.007 Fees.

(3) TEFRA Fee: This fee is included in the Application fee. \$500 of the Application Fee shall be applied to the actual cost of publishing required newspaper advertisements and Florida Administrative Weekly notices of TEFRA hearings. If the actual cost of the required publishing exceeds \$500.00, Applicant shall be invoiced for the difference. If a Local Public Fact Finding Hearing is requested, the Applicant shall be responsible for payment of any fees incurred by 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.

(5) Good Faith Deposit: The Applicant shall pay a total deposit equal to one percent of the Bond Amount 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 within seven calendar days of the date when the Board approves the final Credit Underwriting Report. The balance is payable when the Applicant executes 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 Applicant borrower. Notwithstanding the foregoing, the Applicant 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 invoices are received ~~additional costs are incurred~~ by FHFC subsequent to a determination that the Loan will not close and refunding the unused funds to the Applicant, which invoices relate to costs incurred prior to such determination and refunding. Applicant shall be responsible for payment of the balance due as invoiced.

(6) Cost of Issuance Fee: Florida Housing shall require Applicants 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 prior to closing following award of a portion of Florida Housing's State Bond Allocation to the Development by the Board. The Applicant 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 be returned to the Applicant.

#### 67-21.011 No Discrimination.

Florida Housing, its staff or agents, Applicants, 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 Elderly Housing units in accordance with the Federal Fair Housing Act 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.

#### 67-21.013 Private Placements of Multifamily Mortgage Revenue Bonds.

Any issuance of Revenue Bonds by means of a negotiated Private Placement shall be sold only to a Qualified Institutional Buyer. ~~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 underwriter 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 underwriter 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:

#### 67-21.014 Credit Underwriting Procedures.

(1) After the cycle closing date, Florida Housing shall assign and forward all Applications to the Credit Underwriter for the Completeness and Threshold Check.

(a) A statement by Florida Housing's Credit Underwriter positive recommendation as to compliance with the Completeness and Threshold Checklist set forth in the Application by Florida Housing's Credit Underwriter and approval by the Board shall be required for a Development to be invited to final Credit Underwriting, except as provided in 67-21.003(10).

(2)(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 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.

(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 being removed from the ranking list.

(j) 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 for purposes of the CTC 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.

67-21.015 Use of Bonds with Other Affordable Housing Finance Programs.

(1) Subject to any ranking criteria which may be imposed pursuant to Rule 67-21.004(4)(b), F.A.C., 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.~~

67-21.016 Compliance Procedures.

(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 qualifying household ~~qualifying under the provisions of Section 420.5087(2), Florida Statutes~~, in order to ensure continuing compliance of the Development.

67-21.017 Transfer of Ownership.

(1) Any transfer of ownership of any Development shall be subject to compliance with the provisions of this Section 67-21.017 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. ~~Owners Developers~~ shall advise Florida Housing in writing of any change of ownership of the owner Developer aggregating 50 percent or more of ownership interests in the owner Developer within any six-month period.

(3) Upon demonstration of compliance with the provisions of this Section 67-21.017 and 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.

67-21.019 Issuance of Bonds for 501(c)(3)'s Corporations.

(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 that:

~~(a) with respect to Rule 67-21.004, paragraph (4) does not apply;~~

(b) 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

(c) 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.

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## Section IV Emergency Rules

NONE

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

### DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Alcohol Testing Program, Florida Department of Law Enforcement has received from A. J. Rotherberg on August 13 and August 16, 1999, a petition for Variance or Waiver of Rule 11D-8.008(4), F.A.C., pursuant to Section 120.542, F.S. Petitioner is requesting a variance from the requirement that a breath test operator permitted under chapter 316, 322, 327, F.S. and 11D, FAC., become re-permitted prior to the expiration of his current two year permit. Respondent has requested a variance of the two-year time limitation of the permit until he can attend the next available renewal class.

PURPOSE: Comments on this Petition should be filed with the Alcohol Testing Program, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302,

Attention: Program Legal Advisor Nancy C. Waller. A copy of the Petition may be obtained by contacting Program Legal Advisor Nancy C. Waller at the above address, or by calling (850)410-7820.

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#### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Sprint Payphone Services, Inc., filed August 4, 1999, in Docket No. 991036-TC, seeking waiver from Rule 25-24.515(13), Florida Administrative Code. The rule requires that each payphone allow incoming calls. 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.

A copy of the petition can be obtained from the Division of Records and Reporting. For additional information, please contact Clintina Watts, Division of Legal Services, at the above address or telephone (850)413-6199.

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NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from BellSouth Public Communications, Inc., filed on August 13, 1999, in Docket No. 991105-TC, seeking waiver from Rule 25-24.515(13), Florida Administrative Code. The rule requires pay telephones to allow incoming calls. 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.

A copy of the petition can be obtained from the Division of Records and Reporting. For additional information, please contact Clintina Watts, Division of Legal Services, at the above address or telephone (850)413-6199.

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**POST DECISION NOTICE – NOTICE IS HEREBY GIVEN** by the Florida Public Service Commission that Levy County's petition for waiver of Rule 25-30.110, Florida Administrative Code, filed May 6, 1999, in Docket No. 990558-WU was approved by the Commission at its July 6, 1999 Agenda Conference. Proposed Agency Action Order No. PSC-99-1452-PAA-WU, issued July 26, 1999 memorialized the decision. No protest was received to the proposed agency action, and Order No. PSC-99-1620-CO-WU, issued August 18, 1999, consummated Order No. PSC-99-1452-PAA-WU. The rule addresses the filing of annual reports and the assessing of penalties for failure to timely file an annual report. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on May 21, 1999, and an amendatory notice was published on June 4, 1999.

A copy of the Order can be obtained from the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

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#### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Denying Variance under Section 120.542, Fla. Stat. (Order), on August 12, 1999 to Royal Palm Beach Colony, L. P. (RPBC) to construct three single family homes located within the Indian Trail Improvement District's Unit of Development 11 in northern Palm Beach County, Florida. The Petition for variance was received by the District on April 23, 1998. Notice of receipt of the Petition requesting the variance was published in the Florida Administrative Weekly, Vol. 24, No. 20, on May 15, 1998. This Order denies a variance to construct houses with septic tanks, wells and driveways upon three lots in Unit 11, Indian Trail Improvement District in northern Palm Beach County. Specifically, the Order denies a variance from Rule 40E-400.315, Fla. Admin. Code, regarding No Notice General Environmental Resource Permits which allows for the construction or alteration of minor systems located entirely within uplands, provided that the proposed system meets all of the applicable criteria set forth in the rule. Generally, the Order sets forth the basis of the Governing Board decision to deny the variance, as follows: 1) RPBC has not demonstrated that the purpose of the underlying statutes for this rule will be achieved if the variance is granted; and 2) RPBC has not demonstrated that application of the rule would result in a substantial hardship to RPBC, as set forth in Section 120.542, Fla. Stat. A copy of the Order can be obtained from Beth Colavecchio at South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406; telephone number (561)682-6905 on Monday through Friday, during the hours of 8:00 a.m. to 5:00 p.m.; or by e-mail at bcolavec@sfwmd.gov.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection announces its entry of an Order Granting Request for Variance, as required by Section 120.542(8), F.S.

**NAME OF THE PETITIONER:** Clay County

**DATE THE PETITION WAS FILED:** March 23, 1999

**RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT:** Rule 62-701.300(2)(g), Florida Administrative Code (F.A.C.), which prohibits the storage or disposal of solid waste within 200 feet of a water body, including wetlands.

**REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION:** Florida Administrative Weekly, April 9, 1999, Volume 25, Number 14.

THE DATE OF THE ORDER APPROVING THE VARIANCE OR WAIVER: August 11, 1999.

THE GENERAL BASIS FOR THE AGENCY DECISION: The Petitioner has been operating a yard trash storage and mulching facility within 50 feet of a stormwater pond and wetlands. Through monitoring and other assurances, the Petitioner has demonstrated that allowing it to continue to operate the existing facility is expected to meet the purpose of the underlying statute, and that the Petitioner would suffer an undue hardship if the variance is not granted.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Request for Variance is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Requests for copies or inspections should be made to Mary Jean Yon, Section Administrator at the above address, telephone (850) 488-0300, or e-mail to yon\_mj@dep.state.fl.us.

The Department announces receipt of a petition filed on August 24, 1999, pursuant to Section 120.542, Florida Statutes, from Pinellas County to obtain a variance or waiver from certain Department rules regulating the petitioner's Bridgeway Acres Class I Landfill. Specifically, the petitioner has requested a variance from Rules 62-701.600-.620, Florida Administrative Code, that require closure and long-term care for active Class I landfills. The Petition for Variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Requests for copies or inspection should be made to Mary Jean Yon, Environmental Administrator at the above address.

#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Variance on June 3, 1999, from Baptist Hospital – Pensacola Life Flight Division  
Applicable Rule: Section 64E-2.005, F.A.C.

Nature of Rule: Establishes minimum equipment and medications required for air ambulance services.

Date and Place of Notice: Notice was published on June 18, 1999 in the Florida Administrative Weekly.

Date of Order: August 19, 1999

Basis for Agency Decision: The agency approved the Petition for Variance. The Petitioner demonstrated that reducing the quantities of several items of equipment would not impair their ability to provide adequate patient care because the Petitioner

is always accompanied by a licensed ground advanced life support ambulance equipped with the requisite quantities of equipment and medications.

A copy of the Order may be obtained by submitting a written request to Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, 2002-D Old St. Augustine Road, Tallahassee, Florida 32301.

NOTICE IS HEREBY GIVEN that on August 20, 1999, the Department of Health received a petition from Michael Price, representing Norweco, Incorporated, requesting a variance pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from 64E-6.008(2), Florida Administrative Code, which requires approved outlet filter devices to be placed within the last chamber of the septic tank rather than outside the tank. Comments on this petition should be filed with Angela Hall, Agency Clerk, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin A02, Tallahassee, Florida 32399-1734.

A copy of the petition may be obtained from: Angela Hall, Agency Clerk, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin A02, Tallahassee, Florida 32399-1734.

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that it received an Emergency Petition for Waiver or Variance of Rule 64B4-3.003(5)(b)1., filed on August 12, 1999, from Brenda Singrossi. The Petitioner is seeking an emergency waiver or variance of Rule 64B4-3.003(5)(b)1., with respect to the requirement that an applicant must receive a passing score of 75. The Board will discuss this matter by telephone conference call on September 13, 1999, at 8:30 a.m., at "meet me" number (850)488-5778.

A copy of the Petition for Waiver and Variance may be obtained by writing: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258.

For additional information, contact: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)414-7557.

Any person requiring a special accommodation at this telephone conference because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the telephone conference. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

## Section VI

### Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration  
Department of Veterans' Affairs  
Information Resource Commission  
Department of Highway Safety and Motor Vehicles  
Department of Law Enforcement  
Department of Revenue  
Department of Education  
Administration Commission  
Florida Land and Water Adjudicatory Commission  
Board of Trustees of the Internal Improvement Trust Fund  
Department of Environmental Protection

DATE AND TIME: September 14, 1998, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215, F.S. and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members, at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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#### DEPARTMENT OF STATE

The **Great Floridian 2000 Committee** announces the following meeting to be held by telephone conference call to which all parties are invited to attend:

**DATE AND TIME:** September 21, 1999, 10:00 a.m.

**PLACE:** Access Phone (850)921-6433, Suncom 291-6433

**PURPOSE:** To review the last round of nominations for the Great Floridian 2000 candidates. Agenda available upon request.

To obtain a copy of the agenda or further information contact in writing: Bureau of Historic Preservation, R. A. Gray Building, 4th Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

If a person decides to appeal any decision made by the Committee with respect to any matter, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which includes the comments upon which the appeal is being based.

Any person requiring any special accommodation at this meeting because of disability or physical impairment should contact the Bureau office, (850)487-2333, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Bureau office using the Florida Duel 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 State, Division of Cultural Affairs**, announces the following public meeting, to which all persons are invited:

**DATE AND TIME:** Thursday, September 9, 1999, 1:30 p.m.

**PLACE:** Baker County Health Department, 657 South 6th Street, MacClenny, FL 32063-2607, (904)259-6291, Ext. 117

**PURPOSE:** To hold an Orientation meeting to determine potential artwork sites for Art in State Buildings Project No. DOH 9730/9800, Baker County Health Department, MacClenny, 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.

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#### DEPARTMENT OF EDUCATION

The **Department of Education** announces a meeting to which all interested people are invited.

**DATES AND TIME:** September 13-15, 1999, 9:00 a.m. – 4:30 p.m.

**PLACE:** Turlington Building, Room 1702, Tallahassee, FL

**PURPOSE:** To review and evaluate proposals received in response to the College-Level Academic Skills Test (CLAST) Administration Request for Proposals (RFP) #2000-01.

To obtain additional information and request an agenda for this meeting, please contact Dr. Judith Keck by calling (850)488-8198.

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The **Articulation Coordinating Committee** announces a public meeting to which all interested persons are invited:

**DATE AND TIME:** Wednesday, September 15, 1999, 9:30 a.m. – 12:30 p.m.

**PLACE:** Room 1706, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Articulation issues regarding secondary and postsecondary education.



A copy of the items to be addressed may be obtained by contacting: Office of Postsecondary Education Coordination, Florida Department of Education, 401 Turlington Building, Tallahassee, Florida 32399-0400, Telephone (850)922-0344 or Suncom 292-0344.

The public is invited to a meeting of the Florida **Board of Regents**.

DATES AND TIME: September 16-17, 1999, 1:00 p.m.

PLACE: Student Union Building, University of Central Florida, Orlando, Florida

PURPOSE: Approval of: Proposed Meeting Dates for the Board of Regents, 2000; Amendments to Bylaws of the University of Central Florida Foundation, Inc.; Donation of Land by the FSU Foundation, Inc., FSU; Subcontract for the Advanced Cancer Detection Center, USF; Consideration of: Proposed Amendment to Campus Master Plan, UWF; 1999-2000 Operating Budgets – Educational and General, BOR General Office, Auxiliary Enterprises, Contracts and Grants, Local Funds, Faculty Practice Plans and Captive Insurance Companies; SUS 2000-2001 Legislative Budget Request Schedule VIII-A, Priority Listing of Agency Budget Issues; SUS 2000-2001 Legislative Budget Request Schedule VIII-B, Priority Order of Issues to Meet Potential Revenue Shortfalls; SUS 2000-2001/2002-2003 Three-Year PECO Project Priority List; SUS 2000-2001/2004-2005 Five-Year Capital Improvements Program; SUS 2000-2001 Supplemental Fixed Capital Outlay Legislative Budget Request; 2000-2001 Alec P. Courtelis Facilities Enhancement Challenge Grant Program Project List; Proposed Allocation of \$7.5 Million Appropriation for Branch Campuses, Centers and Excess Demand, UF, FSU, FAMU, USF, FAU, UWF, UCF; Sublease between the University of West Florida Foundation, Inc., and the Board of Regents and Financing Plan for Issuance of Bonds to Finance the Residence Hall Project, UWF; Acquisition and Financing of Land, Buildings, Improvements and Development Rights in the University Technology Center, a Research and Development Park, University of South Florida Research Foundation, Inc.; Discussion, 403(b) Plans; Status Report, Football at Florida Atlantic University; Presentation, Undergraduate Mentoring Course for At-Risk Youth, Secretary Bill Bankhead, Department of Juvenile Justice; Update on Mentoring and Community Service Initiatives; Update on the SUS Education Partnership Initiative; Review of SUS Developmental Research Schools; Status Report on the FAMU Center of Excellence; Consideration of: Revised Rule 6C-8.009(1), Definition and Process for Establishing Educational Sites; University Request to Offer Lower-Level Coursework at the University of South Florida St. Petersburg Campus; Status Report, Post-Tenure Review; Consideration of: State University System Accountability Plan; 1998-99 Alternative Admissions Report; and other matters pertaining to the State University System.

A copy of the agenda may be obtained by writing: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 325 West Gaines Street, Tallahassee, Florida 32399-1950.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity Programs, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The Florida **Community College System** announces the following Community College Trustee Training Workshop to which all persons are invited.

DATES AND TIMES: September 16, 1999, 9:00 a.m. – 5:30 p.m.; September 17, 1999, 8:00 a.m. – 1:00 p.m.

PLACE: Wyndham Westshore Hotel, 4860 Kennedy Boulevard, Tampa, Florida 33609

PURPOSE: Provide a two-day comprehensive training session for new and experienced Florida community college trustees.

If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, 1314 Turlington Building, Tallahassee, Florida 32399-0400.

The **Postsecondary Education Planning Commission** announces a telephone conference call in which all interested persons are invited to participate.

DATE AND TIME: Monday, September 13, 1999, 9:00 a.m. – 10:30 a.m.

PLACE: Room 224, Collins Building, 107 West Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will discuss and act on a proposed expansion of the University of South Florida in St. Petersburg.

For further information contact: Dr. William B. Proctor, Executive Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400 (850)488-7894.

The **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, September 17, 1999, 8:30 a.m. – 11:30 a.m.

PLACE: Kilgore Ballroom, Embassy Suites Hotel, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will review postsecondary budget requests, discuss the issue of new public law schools, take action on a program review coordination report, and discuss other ongoing Commission responsibilities.

For further information contact: Dr. William B. Proctor, Executive Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

The Access Committee of the **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, September 17, 1999, 1:00 p.m. (or upon adjournment of the full Commission) – 4:00 p.m.

PLACE: Palmer III Room, Embassy Suites Hotel, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will continue work on the studies related to the Minority Participation in Legal Education Program, Student Progression Cohort Analysis and the Bright Futures Scholarship.

For further information contact: Mr. David Wright, Educational Policy Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

The Program/Planning Committee of the **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, September 17, 1999, 1:00 p.m. (or upon adjournment of the full Commission) – 4:00 p.m.

PLACE: Palmer II Room, Embassy Suites Hotel, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will continue work on its studies concerning joint/concurrent campuses, academic program contracts, and facilities space standards.

For further information contact: Dr. Jon Rogers, Educational Policy Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a hearing to which all interested parties are invited.

DATE AND TIME: September 23, 1999, 10:00 a.m. – 12:00 Noon

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Conference Room 260N, Tallahassee, Florida

PURPOSE: To obtain public comment on the draft amendment to the 1998 Action Plan for Disaster Recovery for El Nino Weather Events (FEMA-1195-DR-FL and FEMA-1204-DR-FL).

AMENDMENT SUMMARY: The State's 1998 Action Plan for Disaster Recovery will be amended to reflect the following changes:

The State of Florida will receive an additional \$1,258,000 from the U.S. Department of Housing and Urban Development's (HUD) 1998 Disaster Recovery Initiative (DRI) funds. These funds are for the severe storms, high winds, tornadoes, and flooding storms in central and northern Florida (FEMA-1195-DR) early last year. The \$1,258,000 will be added to the previous allocation of \$18,740,000 and will be used to continue funding communities as ranked under the competition held under Emergency Rule 9BER99-2.

This allocation will allow the Department to fully fund the application of the City of St. Cloud and to partially fund the application of Dixie County.

ACTION TO BE TAKEN: At this public hearing, the Department will take comment on the proposed amendment to the 1998 Action Plan for Disaster Recovery.

A copy of the agenda and the 1998 Action Plan for Disaster Recovery, as amended, may be obtained by appearing in person at the agency headquarters or by writing or calling: Department of Community Affairs, Community Development Block Grant Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Pat Harvey (850)488-3644

Written comments are also encouraged and may be submitted at the hearing or mailed to the address listed above not later than October 11, 1999.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five (5) calendar days prior to the hearing. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8771 (TDD).

#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, September 15, 1999, 1:00 p.m. – 5:00 p.m. and Thursday, September 16, 1999, 9:00 a.m. – 4:00 p.m.

PLACE: The Delray Beach Marriott, 10 North Ocean Boulevard, Delray Beach, Florida 33483, Telephone number (561)274-3200

PURPOSE: The Violent Crime Council will meet on September 15 and 16, 1999, to hear presentations and discuss issues relating to Cargo Theft and Juvenile Justice. Speakers will include Captain Harvey Starr, Department of Juvenile Justice, West Palm Beach, to discuss the Responding Against Delinquency and Recidivism (RADAR) Program; Major Al Lamberti, Broward County Sheriff's Office, to discuss the Broward Child Abuse Program; Special Agent Mike Flint, FDLE Miami, to discuss Cargo Theft; and other items of interest.

A copy of the agenda may be obtained by writing: Senior Management Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Sciences Program, Post Office Box 1489, Tallahassee, Florida 32302, or by Telephoning (850)410-7778.

Accommodations are made for individuals with disabilities as defined by the Americans With Disabilities Act (ADA).

The **Department of Law Enforcement, Medical Examiners Commission**, announces a Medical Examiners Commission Meeting.

DATE AND TIME: Wednesday, September 29, 1999, 10:00 a.m.

PLACE: Pensacola Grand Hotel, Grand Central Station Room, 201 East Gregory Street, Pensacola, Florida, (850)433-3336.

PURPOSE: Medical Examiners Commission Meeting

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8300, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Mr. Dale H. Heidman, Forensic Coordinator, Criminal Investigation and Forensic Science Program, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8300.

The **Criminal Justice Professionalism Program** announces a teleconference Commission meeting to obtain Commission-approval to exempt the Miami-Dade Police Department/Metro Police Institute's driving range from the minimum standards established by the Commission for all driving ranges. All parties are invited to attend.

MEETING NAME: Criminal Justice Standards and Training Commission Teleconference

DATE AND TIME: September 13, 1999, 9:00 a.m.

PLACE: The Commissioner's Conference Room, 2nd Floor, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32302

Contact: Doug Glisson, Criminal Justice Professionalism Program, (850)410-8629

PURPOSE: To discuss the FDLE Field Specialist's review and findings of the driving range to be used for the Miami-Dade Police Department/Metro Police Institute for vehicle training.

To obtain Commission approval to exempt the proposed driving range from the Commission's required "minimum standards" for driving ranges.

A copy of this issue may be obtained by contacting: Donna Hunt, (850)410-8615. If you wish to write the Commission for a copy of this issue, please write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt, (850)410-8615, at least two (2) weeks prior to the meeting.

#### DEPARTMENT OF TRANSPORTATION

The Florida **Transportation Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: September 15, 1999, 1:00 p.m. – 3:00 p.m.

PLACE: Room 317, The Capitol, Tallahassee, Florida

PURPOSE: Joint meeting of the Florida Transportation Commission and the Florida House of Representatives Committee on Transportation. Information and a copy of the agenda may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, Phone (850)414-4105.

The Florida **Department of Transportation**, District 6 announces the rescheduling of a public hearing to which all interested persons are invited.

DATE AND TIME: September 28, 1999, 5:00 p.m. – 8:00 p.m.

PLACE: Travelodge Hotel, 1170 N. W. 11th Street, Miami, Florida

PURPOSE: This hearing is being held to offer interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of State Project Number 87085-1510, otherwise known as the N. W. 12th Avenue Bridge over the Miami River PD & E Study. The limits of the proposed project are from N. W. 7th Street to the N. W. 1500 Block in Miami, Florida.

This hearing was scheduled originally for September 1, 1999, and was announced in the August 6, 1999, edition of the Florida Administrative Weekly.

Special accommodations or information needed by anyone pursuant to the Americans with Disabilities Act of 1990 may be arranged by contacting the Public Information Office, (305)470-5349 or by writing to the Florida Department of Transportation, Public Information Office, 1000 N.W. 111th Avenue, Room 6207A, Miami, Florida 33172, at least seven days prior to the public hearing.

A copy of the agenda may be obtained by contacting: Ms. Vilma Croft, Project Development Manager, Florida Department of Transportation, Environmental Management Office, 1000 N. W. 111th Avenue, Room 6103, Miami, Florida 33172.

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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: September 15, 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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The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all person are invited.

DATE AND TIME: September 15, 1999, 8:00 a.m., General Counsel Selection Committee Meeting

PLACE: Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review criteria and request for proposal for possible candidates to serve as an independent counsel to the Florida Citrus Commission.

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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**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 1999, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Building C, Third Floor, Tallahassee, Florida 32399-2450

PURPOSE: Regularly Scheduled Meeting for all Control Release Matters

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained, upon the payment of the reasonable cost thereof, by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone (850)488-3417.

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The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 1999, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Building C, Third Floor, Tallahassee, Florida 32399-2450

PURPOSE: Regularly Scheduled Meeting for all Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained, upon the payment of the reasonable cost thereof, by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone (850)488-3417.

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**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

DOCKET NO. 971638-SU – Application for amendment of Certificate No. 226-S to add territory in Seminole County by Florida Water Services Corporation.

DATE AND TIME: September 24, 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. 990691-TP – Petition of ICG Telecom Group, Inc. for arbitration of unresolved issues in interconnection negotiations with BellSouth Telecommunications, Inc.

DATE AND TIME: September 21, 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).

## REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a meeting of the Tourism Task Force to which all persons are invited.

DATE AND TIME: September 16, 1999, 10:00 a.m.

PLACE: The Manor House, 111 North Range Street, Madison, Florida

PURPOSE: To carry out business as it pertains to promotion of the 11-county north central Florida region.

A copy of the agenda may be obtained by calling (352)955-2200 or writing: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Any person deciding to appeal any decision of the Task Force with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made.

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 **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, September 16, 1999, 6:30 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Spill/Incident Review Subcommittee

DATE AND TIME: Monday, September 20, 1999, 9:30 a.m. – 10:00 a.m.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Monday, September 20, 1999, 10:10 a.m. – 10:50 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Monday, September 20, 1999, 11:00 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Charlotte Neupauer, (352)732-1315.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 1999, 9:00 a.m.

PLACE: ECFRPC, 1011 Wymore Road, Winter Park, Florida

PURPOSE: Meetings of Executive, Bylaws, Finance and Nominating Committees.

Business to be considered will include recommendations on an annual budget and work program, changes to operating procedures and rules, and officers for the upcoming year.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, FL 32789-1797.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 1999, 10:00 a.m.

PLACE: ECFRPC, 1011 Wymore Road, Winter Park, Florida

PURPOSE: Annual meeting of the East Central Florida Regional Planning Council. The agenda will include the adoption of an annual work program and budget and consideration of changes to the Council's operating procedures contained in Chapter 29F, FAC.

In the event a quorum is not present, the Executive Committee will convene to discuss the business of the Council.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, FL 32789-1797.

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The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC) to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 1999, 10:00 a.m.

PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Boulevard, Bartow, Florida 33830

PURPOSE: Regular Bi-monthly Meeting of the LEPC

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

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The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: September 16, 1999, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

PURPOSE: Regular meeting of the Regional Planning Council

A copy of the proposed agenda may be obtained by writing: Mr. Wayne E. Daltry, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. Wayne Daltry, (941)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Daltry using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### REGIONAL TRANSPORTATION AUTHORITIES

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, September 8, 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.

### **LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT**

The **Loxahatchee River Environmental Control District** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Thursday, September 16, 1999, 6:55 p.m.

PLACE: District Administrative Building, 2500 Jupiter Park Drive, Jupiter, Florida 33458

PURPOSE: Public Hearing to receive public comments on the Fiscal Year 1999-2000 Budget.

A copy of the Agenda may be obtained by writing: Loxahatchee River Environmental Control District, 2500 Jupiter Park Drive, Jupiter, Florida 33458-8964.

If a person decides to appeal any decision made by the Board with respect to any matter considered at such 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.

### **DEPARTMENT OF CORRECTIONS**

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited:

DATE AND TIME: Friday, September 17, 1999, 9:00 a.m.

PLACE: Florida Corrections Commission, 2601 Blair Stone Road, Room C307, Tallahassee, Florida 32399-2500

PURPOSE: The Commission will hold a meeting in Tallahassee to introduce the new commissioners, elect officers, and create a plan of action for the finalization of the 1999 Annual Report and various other correctional issues that come before the Commission.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

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.

### **DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, Special Disability Trust Fund Privatization Commission, announces a meeting to which the public is invited.

DATE AND TIME: Monday, September 27, 1999, 1:30 p. m. – 4:30 p. m.

PLACE: Room 214, The Capitol, Tallahassee, Florida

PURPOSE: The purpose of the meeting is to review a report from the coordinator and discuss the RFP's.

For further information regarding the meeting, please contact: Anne Mackenzie, (850)488-4896.

Persons with a disability or handicap requiring reasonable accommodations should contact Anne Mackenzie by telephone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Anne Mackenzie using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Labor and Employment Security** and the **Department of Education** announces the first meeting of the Occupational Access and Opportunity Commission to which all persons are invited and to which all interested individuals are encouraged to attend.

DATES AND TIMES: Wednesday, September 15, 1999, 8:30 a.m., Welcome and Opening Remarks; 9:00 a.m., Introductions; 9:45 a.m. – 10:00 a.m., Break; 10:00 a.m. – 12:00 p.m., Orientation to Florida Vocational Rehabilitation; 12:00 p.m. – 1:30 p.m., Lunch; 1:30 p.m. – 2:45 p.m., Review of Federal Rehabilitation Act; 2:45 p.m. – 3:00 p.m., Break; 3:00 p.m. – 4:20 p.m., Florida Occupational Access and Opportunity Act; 4:20 p.m. – 4:30 p.m., Executive Director's Remarks; 5:30 p.m., Reception

DATE AND TIMES: Thursday, September 16, 1999, 8:30 a.m., Opening Remarks; 9:00 a.m., Review of OAO Work Items and Time Tables; 10:00 a.m. – 10:15 a.m., Break; 10:15 a.m. – 12:00 Noon, Innovation Exercises; 12:00 a.m. – 1:30 p.m., Lunch; 1:30 p.m. – 3:00 p.m., Discussion of Committees/organization of work; 3:00 p.m., Break; 3:15 p.m. – 4:30 p.m., Committee organizational meetings; Adjourn

DATE AND TIMES: Friday, September 17, 1999, 8:30 a.m., Opening Remarks; 9:00 a.m. – 10:00 a.m., Continued Committee Work; 10:00 a.m. – 10:15 a.m., Break; 10:15 a.m. – 12:00 p.m., Business Meeting; 12:00 p.m. – 1:30 p.m., Lunch; 1:30 p.m. – 2:00 p.m., Address by the Commissioner of Education; 2:00 p.m. – 2:30 p.m., OAO Administrative; Adjourn

PLACE: The Grosvenor Resort in the Walt Disney World Resort, Downtown Disney, 1850 Hotel Plaza Boulevard, Orlando, FL 32830

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in these meetings should contact Ken Baer, no later than September 10, 1999, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, or toll free at 1(800)451-4327. This agenda is available in alternative formats upon request.

Should you not be able to attend, but would like a copy of the minutes, please contact Ken Baer, (852)487-3431 or toll free 1(800)451-4327.

**WATER MANAGEMENT DISTRICTS**

The **Northwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATE AND TIME: Wednesday, September 15, 1999, 5:05 p.m., CDT

PLACE: Destin City Hall Council Chambers, 4200 Two Trees Road, Destin, Florida

PURPOSE: Consideration of Adoption of Proposed Millage Rate and Tentative Budget for FY 1999/00

A copy of this agenda can be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

Appeal from any NFWFMD Board decision requires a record of the proceedings. Although Governing Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceedings is made, including 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.

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The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 14, 1999, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

DATE AND TIME: September 14, 1999, 5:30 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: First Public Hearing on FY 1999-2000 budget and proposed millage rate.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, 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 who need assistance in order to participate in this meeting may contact Lisa M. Cheshire, (904)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

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The **Suwannee River Water Management District** announces the following public hearing to which all interested persons are invited.

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

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Public hearing in accordance with Section 373.59, F.S., concerning the proposed purchase of a conservation easement from The Timber Company, 60 +/-, Alachua County, Florida, with funds from the Preservation 2000 Trust Fund, also the proposed purchase of the R. Huston Babcock Tract, 440 acres +/-, Gilchrist County, with funds from the Preservation 2000 Trust Fund, also the proposed purchase of the Loncala Inc. Tract, 170 acres +/-, Alachua County, with funds from the Water Management Lands Trust Fund.

A copy of the agenda may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, FL 32060.

If any person decides to appeal any decision made with respect to any matter considered at the above cited meeting, 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.

The Suwannee River Water Management District does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the District's functions, including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact: Lisa M. Cheshire, Administrative Assistant, (904)362-1001 or 1(800)226-1066 (Florida only), Fax (904) 362-1056.

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The **Suwannee River Water Management District** announces the following public hearing to which all interested persons are invited.

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

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Public hearing is being held to offer interested persons the opportunity to provide comments concerning the annual revision and changes to the District's Land Acquisition and Management Plan.

A copy of the Land Acquisition and Management Plan may be obtained by writing: Gwendolyn Lord, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060.

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The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, September 8, 1999, 6:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Conduct Committee Business

Some members of the District's Governing and Basin Boards may attend the meeting.



A copy of the agenda may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida), or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following Lower Hillsborough River Minimum Flow Independent Scientific Peer Review Panel Public Meeting to which the public is invited:

**DATES AND TIMES:** Monday, September 13, 1999; Tuesday, September, 14, 1999, 9:00 a.m. Public comment will be accepted by the panel on September 14, 1999, 9:00 a.m. – 12:00 noon

**PLACE:** Ramada Airport Inn and Conference Center, 5303 West Kennedy Blvd., Tampa, Florida 33609

**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, (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.

The **Southwest Florida Water Management District** announces the following public meeting to which all persons are invited.

**GOVERNING BOARD TENTATIVE FY 2000 BUDGET HEARING**

**DATE AND TIME:** Tuesday, September 14, 1999, 5:01 p.m.

**PLACE:** Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

**GENERAL SUBJECT MATTER TO BE DISCUSSED:** Governing Board adoption of tentative millage rate and budget for FY 2000

**NEW BASIN BOARD MEMBER ORIENTATION**

**DATE AND TIME:** Friday, September 17, 1999, 9:00 a.m.

**PLACE:** Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

**GENERAL SUBJECT MATTER TO BE DISCUSSED:** Orientation of new Basin Board members

**GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS**

**DATE AND TIME:** Tuesday, September 28, 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 FINAL FY 2000 BUDGET HEARING**

**DATE AND TIME:** Tuesday, September 28, 1999, 5:01 p.m.

**PLACE:** District Headquarters, 2379 Broad Street, Brooksville, FL

**GENERAL SUBJECT MATTER TO BE DISCUSSED:** Governing Board adoption of final millage rate and budget for FY 2000

**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, September 29, 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).

**REGIONAL UTILITY AUTHORITIES**

The **Withlacoochee Regional Water Supply Authority** announces a public meeting to which all persons are invited:

**DATE AND TIME:** Wednesday, September 15, 1999, 4:30 p.m.

**PLACE:** Citrus County Commission Board Room, Masonic Building, 111 W. Main Street, Third Floor, Iverness, FL 34450

**GENERAL MATTER TO BE CONSIDERED:** To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, FL 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

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**DEPARTMENT OF ELDER AFFAIRS**

The **Department of Elder Affairs** and the **Agency for Health Care Administration** announce a workshop to study the unlicensed assisted living facilities to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: 2nd Floor, Medicaid Conference Room, 8355 N. W. 53rd Street, Manchester Building, Koger Center, Miami, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Section 5 of Chapter 99-179, Laws of Florida, directs the Agency for Health Care Administration and the Department of Elder Affairs to convene a workgroup to identify additional legal and administrative steps needed to discourage the operation of unlicensed assisted living facilities in this state. This will be the workgroup's second meeting.

A copy of the agenda may be obtained by contacting: Meta Calder, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2309, or Mary Loepp, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308-5402, (850)487-2515.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Thursday, September 16, 1999, 11:00 a.m.

PLACE: Florida Hospital Association, 307 Park Lake Circle, Orlando, FL 32803, (407)841-6230

PURPOSE: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Connie Cobia, (850)921-8871, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Connie Cobia, Administration and Information Services, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Room 1117, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a meeting of the District 10, Managed Care Ombudsman Committee to be held in Ft. Lauderdale, Florida, to which all persons are invited.

DATE AND TIME: September 8, 1999, 9:30 a.m.

PLACE: The Healthcare Building, Room #195, 1400 West Commercial Blvd., Ft. Lauderdale, Florida

PURPOSE: Regular monthly meeting.

If you need a special accommodation in order to attend this meeting because of a disability, please contact us in writing or by phone at (850)921-0625.

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The **Agency for Health Care Administration** announces a meeting of the District 9, Managed Care Ombudsman Committee Meeting to be held in West Palm Beach, Florida, to which all persons are invited.

DATE AND TIME: September 9, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: 1710 E. Tiffany Drive, Medicaid Conference Room, 2nd Floor, West Palm Beach, Florida

PURPOSE: The purpose of this meeting is routine business.

If you need a special accommodation in order to attend this meeting because of a disability, please contact us in writing or by phone at (850)921-0625.

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The **Agency for Health Care Administration** announces the third meeting of the panel on Medicaid reimbursement to which all persons are invited.

DATE AND TIME: September 21, 1999 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3 Conference Room E, Tallahassee, Florida 32308

PURPOSE: In accordance with chapter 99-394, Laws of Florida, the panel on Medicaid reimbursement will be conducting its third meeting. The purpose of the panel is to study the State's Medicaid reimbursement plan for nursing home facilities and recommend changes to accomplish specific goals. The meeting will be for the purpose of gathering recommendations and solutions to achieving the panel's goals and objectives as set forth by the Legislature.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Mr. Edwin Stephens, (850)413-8067 or Suncom 293-8067, with any questions or to obtain an agenda when it is set.

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**DEPARTMENT OF MANAGEMENT SERVICES**

The **Department of Management Services** announces a meeting of the Commission for Purchase from the Blind or Other Severely Handicapped to which all persons are invited.

DATE AND TIME: September 15, 1999, 10:00 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 301, Tallahassee, FL

**PURPOSE:** Industry Impact Review and Fair Market Price Determination and assignment of the following service contracts and products to qualified agencies for persons with disabilities through the provisions of Section 413.035, Florida Statutes: Department of Environmental Protection, Florida Caverns Grounds Maintenance Contract; Department of Environmental Protection, Maclay Gardens State Park Janitorial Services Contract; Palm Beach County, Government Buildings Janitorial Services Contract; Department of Environmental Protection, St. Joseph State Park Cabin Cleaning; Department of Transportation, I-75 Broward Rest Area Maintenance Contract; Miami International Airport Grounds Maintenance Contract; and City of Tallahassee, TalTran Bus Cleaning Contract.

Price adjustments of various service contracts and products, and other matters related to the business of the Commission are also on the agenda.

Written public comments relative to the above items are invited. Please mail comments to the address below prior to the scheduled meeting.

A copy of the agenda may be obtained by contacting: RESPECT of Florida, 2475 Apalachee Parkway, Suite 205, Tallahassee, Florida 32301-4946, (850)942-0905.

Any person requiring a special accommodation at the meeting because of a disability should call RESPECT, (850)942-0905 at least five (5) workdays prior to the meeting. If you are hearing or speech impaired, please contact RESPECT by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Professional Engineers** announces a public meeting of the Application Review Committee which all persons are invited:

**DATE AND TIME:** Tuesday, September 14, 1999, 9:00 p.m.

**PLACE:** Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

**PURPOSE:** Review of applications for examination and/or licensure by endorsement.

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 and 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.

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The Florida **Board of Professional Engineers** announces a public telephone conference call which all persons are invited:  
**DATE AND TIME:** Thursday, September 23, 1999, 2:00 p.m.  
**PLACE:** Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301; **CONFERENCE CALL NUMBER:** 1(800)659-6187

**PURPOSE:** To act on recommendations from the Application Review Committee to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal and 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.

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The Florida **Building Code Administrators and Inspectors Board** announces an official meeting of the Probable Cause Panel. The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public except when the Panel is considering cases in which probable cause was previously found by the Panel and are now scheduled for reconsideration.

**DATE AND TIME:** September 29, 1999, 1:00 p.m.

**PLACE:** Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399

**PURPOSE:** Official meeting of the Probable Cause Panel.

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 Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Amy Bennett 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 Amy Bennett using the Florida dual party relay system which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Building Code Administrators and Inspectors Board** announces an official Board meeting to which all interested persons are invited.

Board meeting; Committee meetings

DATE AND TIME: September 30, 1999; October 1, 1999, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399

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 Amy Bennett 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 Amy Bennett using the Florida dual party relay system which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Real Estate Appraisal Board** announces a meeting to which everyone is invited.

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

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801, (407)245-0800

PURPOSE: Official business of the Appraisal Board – Including but not limited to: Rule/statute amendments, and Disciplinary actions.

Any person who decides to appeal a decision made by the Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)317-7251, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

The Florida **Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, September 13, 1999, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

PURPOSE: Official business of the Appraisal Board Probable Cause Panel. PROBABLE CAUSE IS NOT OPEN TO THE PUBLIC.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)317-7251, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Department of Environmental Protection** announces a meeting of the 303(d) List Methodology Technical Advisory Committee to which all interested persons are invited.

DATE AND TIME: Wednesday, September 15, 1999, 9:00 a.m.

PLACE: Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Conference Room A, Tampa, Florida 33619-8318.

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 Personnel Services Specialist in the Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss development of a methodology and rule to identify impaired waters for inclusion on the state's 303(d) list.

A copy of the agenda for the meeting may be obtained by writing: Mr. Jan Mandrup-Poulsen, Department of Environmental Protection, 2600 Blair Stone Road, Water Quality Assessment Section, MS 3555, Tallahassee, Florida 32399-2400 or by calling him at (850)921-9488.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, September 9, 1999, 7:00 p.m. (EDT)

PLACE: Hugh Taylor Birch State Recreation Area, Garden Club, 3109 East Sunrise Boulevard, Fort Lauderdale, Florida 33304

PURPOSE: To receive public comment regarding a northern pedestrian entrance for Hugh Taylor Birch State Recreation Area.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 5 Administration, 13789 Southeast Federal Highway, Hobe Sound, Florida 33455.

#### DEPARTMENT OF JUVENILE JUSTICE

The **Juvenile Justice Accountability Board** announces a public hearing conducted by its Juvenile Justice Education Policy Task Force, which is open to the public.

DATE AND TIME: September 21, 1999, Public Hearing, 3:30 p.m. – adjournment

PLACE: Tradewinds Resort, 5500 Gulf Boulevard, St. Petersburg Beach, Florida

The Task Force is seeking input from the public regarding vocational programming for youth committed to the Department of Juvenile Justice, school district accountability and funding, and the programmatic, fiscal and governance issues associated with the creation of a separate school district. For more information, contact: Marianna Tutwiler, Juvenile Justice Accountability Board office, (850) 921-5274.

The **Juvenile Justice Accountability Board** announces a meeting of its Juvenile Justice Education Policy Task Force, and a public hearing, both of which are open to the public.

DATE AND TIMES: September 23, 1999, Meeting, 1:00 p.m. – 3:00 p.m.; Public Hearing, 3:00 p.m. – adjournment

PLACE: First Floor Board Room, Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Ft. Lauderdale, Florida

General subject matter to be considered includes an update on the Task Force studies and site visit plans. The Task Force is also seeking input from the public regarding vocational

programming for youth committed to the Department of Juvenile Justice, school district accountability and funding, and the programmatic, fiscal and governance issues associated with the creation of a separate school district.

For more information, contact: Marianna Tutwiler, Juvenile Justice Accountability Board office, (850)921-5274.

#### DEPARTMENT OF HEALTH

The Florida **Board of Clinical Laboratory Personnel** Credential's Committee will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Friday, September 10, 1999, 11:00 a.m.

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, Florida 32399 at Meet Me Number (850)488-5776

PURPOSE: To review applications.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)487-3052, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board of Clinical Laboratory Personnel using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 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 or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Professional Regulation Specialist II, Board of Clinical Laboratory Personnel, Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a general business meeting to be held via telephone conference call. All interested parties are invited to attend.

DATE AND TIME: Monday, September 13, 1999, 8:30 a.m.

PLACE: Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 1940 North Monroe Street, Tallahassee, FL 32399

PURPOSE: To discuss general board business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, 1940 North Monroe Street, Tallahassee, FL 32399.

If any person decides to appeal any decision made by the Panel 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 made.

Those who are hearing impaired; using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster by Friday, September 3, 1999.

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The Florida **Board of Medicine's**, Credentials Committee, announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, September 18, 1999, 8:00 a.m. or soon thereafter

PLACE: The Jacksonville Marriott, 4670 Salisbury Road, Jacksonville, Florida 32256, (904)296-3450

PURPOSE: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure 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 a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine 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** 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: September 13, 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 Florida **Board of Podiatric Medicine** has scheduled a duly noticed Rules Hearing, to which all persons are invited to attend.

DATE AND TIME: Thursday, September 23, 1999, 4:00 p.m.

PLACE: The Clarion, 2101 Dixie Clipper Road, Jacksonville, Florida, (904)741-1997

PURPOSE: Rule Chapter 64B18-23.001, Florida Administrative Code – Definitions

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Podiatric Medicine, (850)487-3052, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board of Podiatric Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 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 or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra Causey, Professional Regulatory Specialist II, Board of Podiatric Medicine, Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

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The Florida **Board of Podiatric Medicine** has scheduled a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Friday, September 24, 1999, 9:00 a.m.

PLACE: The Clarion, 2101 Dixie Clipper Road, Jacksonville, Florida, (904)741-1997

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Podiatric Medicine, (850)487-3052, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board of Podiatric Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 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 or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra Causey, Professional Regulatory Specialist II, Board of Podiatric Medicine, Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

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#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services**, District 14, Health and Human Services Board announces the following public meetings to which all persons are invited:

Executive Committee meeting

DATE AND TIME: Tuesday, September 7, 1999, 11:30 a.m.

PLACE: Children and Family Services, Conference Room 259, 4720 Old Highway 37, Lakeland, FL

PURPOSE: To develop board meeting agenda and conduct general business.

Management and Accountability Council meeting

DATE AND TIME: Wednesday, September 8, 1999, 3:30 p.m.

PLACE: Children and Family Services Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss and review budgetary issues.

Child Protection Council Meeting

DATE AND TIME: Thursday, September 9, 1999, 3:00 p.m.

PLACE: Children and Family Services Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss foster care, adoptions, family preservation and other children and family issues.

Alcohol, Drug Abuse and Mental Health Council

DATE AND TIME: Monday, September 13, 1999, 2:00 p.m.

PLACE: Children and Family Services Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss mental health and substance abuse issues.

Family Care Council meeting

DATE AND TIME: Monday, September 20, 1999

LOCATION: Children and Family Services Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss issues relating to services for the developmentally disabled.

For copies of the agenda, further information or persons needing accommodation to participate in these meetings please contact: Patty Harrison, (941)619-4100, Extension 157, 1(800)342-0825 or TDD (941) 648-3337.

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The Florida **Department of Children and Family Services** announces meetings of the District 8, Health and Human Services Board Subcommittees to which all interested persons are invited.

Developmental Services and Gulf Coast Center

DATE AND TIME: Not Meeting

Children's Services

DATE AND TIME: September 13, 1999, 12:15 p.m.

PLACE: Room 232, Regional Service Center, 2295 Victoria Avenue, Fort Myers, Florida

Economic Self-Sufficiency

DATE AND TIME: September 13, 1999, 12:30 p.m.

PLACE: Room 233, Regional Service Center, 2295 Victoria Avenue, Fort Myers, Florida

Children's Substance Abuse Services

DATE AND TIME: Not Meeting

G. Pierce Wood, Adult Mental Health and Substance Abuse Services

DATE AND TIME: September 13, 1999, 11:30 a.m.

PLACE: Room 140, Regional Service Center, 2295 Victoria Avenue, Fort Myers, Florida

PURPOSE: Monthly committee meetings.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Planning and Evaluation, 2295 Victoria Avenue, Fort Myers, Florida 33901, in writing or by phone 338-1435 one week prior to meeting.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings should contact the Consumer Relations Unit at (941)338-1431 or 1(800)342-0825, Florida Relay Service 1(800)955-8770 (Voice), 1(800)955-8771(TDD).

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The **Statewide Health and Human Services Board (SHHSB)** will meet as follows:

DATE AND TIME: Thursday, September 16, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: District 5, Headquarters Office, Mary Grizzle State Building, Room 418D, 11351 Ulmerton Road, Largo, Florida

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Diann Lowery prior to the meeting at the Department of Children and Family Services, 1317

Winewood Boulevard, Building 1, Room 205, Tallahassee, FL 32399-0700, Telephone (850)488-4306, SunCom 278-4306 or call via The Florida Relay Service, 1(800)955-8771 (TDD).

### NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the Following Board of Commissioners Meeting to Which All Interested Parties are Invited:

DATE AND TIME: Friday, September 10, 1999, 4:00 p.m.

PLACE: Sarasota County, South County Administration Center, 4000 South Tamiami Trail, Venice, Florida

PURPOSE: To conduct the regular business of the Navigation District with a Public Hearing at 5:01 p.m. on the Proposed Budget for FY1999/2000.

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.

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 10, 1999, 8:00 a.m.

PLACE: The Radisson, 181 Ocean Avenue, Palm Beach Shores, Palm Beach County, Florida

PURPOSE: A regular meeting of the Board of Commissioners to conduct the business of the District. Additionally, the District's Land Acquisition and Management Committees will meet.

Please contact the District office at 1314 Marcinski Road, Jupiter, FL 33477, telephone (561)627-3386 for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

The **Tampa Bay Water** announces the following Public Meeting to which all persons are invited:

DATE AND TIME: Monday, September 20, 1999, 10:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

PURPOSE: Regularly Meeting of the Board of Directors

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes 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.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at [www.tampabaywater.org](http://www.tampabaywater.org) after 9/13/99.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Manning, (727)796-2355, at least 3 business days prior to the meeting.

### FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning horseshoe crabs, to which all interested persons are invited.

DATE AND TIME: September 13, 1999, 1:00 p.m. – 3:00 p.m.

PLACE: Government Center, 2725 Judge Fran Jamison Way, Building C, Space Coast Room, 2nd Floor, Viera, Florida

DATE AND TIME: September 14, 1999, 1:00 p.m. – 3:00 p.m.

PLACE: Department of Environmental Protection, Northeast District Office, 7825 Bay Meadows Way, Suite B 200, Jacksonville, Florida

DATE AND TIME: September 15, 1999, 1:00 p.m. – 3:00 p.m.

PLACE: Pensacola Junior College, Building 2, Room 250, 1000 College Boulevard, Pensacola, Florida

DATE AND TIME: September 16, 1999, 1:00 p.m. – 3:00 p.m.

PLACE: Port St. Joe Fire Station, Conference Room, 404 Williams Avenue, Port St. Joe, Florida

DATE AND TIME: September 17, 1999, 1:00 p.m. – 3:00 p.m.

PLACE: Florida Marine Research Institute, 3rd Floor Conference Room, 100 8th Avenue, S. E., St. Petersburg, Florida

PURPOSE: The Fish and Wildlife Conservation Commission is interested in receiving public comment regarding the development of a statewide horseshoe crab fishery management plan. Options for the horseshoe crab fishery include, but are not limited to, allowable harvesting gear, allowable harvesting areas, seasons, quotas, bycatch allowances and special considerations for harvesting crabs for scientific research, educational, and pharmaceutical use. The Commission encourages all knowledgeable and interested persons to attend and participate in these workshops.

Special accommodations at this meeting for persons with disabling conditions should be requested in writing at least 7 days in advance. Contact: Lisa Rubenstein, Fish and Wildlife Conservation Commission, Division of Marine Fisheries, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.



For further information contact: Dr. Russell Nelson, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** has scheduled a workshop. This notice announces the date, time and place of that workshop to which all interested persons are invited:

DATE AND TIME: October 1, 1999, 9:00 a.m.

PLACE: Second Floor Conference Room, Farris Bryant Building, 620 South Meridian Street, Tallahassee, FL

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

PURPOSE: The purpose of the workshop is to have discussion between Commissioners and staff about administrative and conservation issues relating to wild animal life, freshwater aquatic life and marine life. During this workshop, the Commissioners, the Executive Director and the General Counsel shall meet in private to discuss pending litigation in which the Commission is a party.

A copy of the proposed agenda may be obtained from: Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public workshop and meeting. This notice announces the date, time and place of that workshop and meeting to which all interested persons are invited:

DATES AND TIME: October 6-8, 1999, 9:00 each day

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

PURPOSE: The purpose of the workshop is to review and discuss procedural issues associated with the Fish and Wildlife Conservation Commission, to present staff briefings on significant issues of the Commission, and to approve proposed rules for adoption, including rules regulating the speed of vessels to protect manatees in designated areas of Lee County.

A copy of the proposed agenda may be obtained from: Florida Game and Fresh Water Fish Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, announces the following Boating Advisory Council public meeting, to which all persons are invited:

DATE AND TIME: October 20, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: Carlouel Yacht Club, 1091 Eldorado Avenue, Clearwater, Florida

PURPOSE: Meeting of the Boating Advisory Council.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Bryant Building, Tallahassee, Florida, 32399-1600, or by calling Captain Jim Brown or Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify the Bureau of Personnel Services, (850)488-6411, at least 48 hours before the preceding event.

#### FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

MEETING: Steering Committee Meeting

DATE AND TIME: Thursday, September 9, 1999, 9:00 a.m., EDT

PLACE: FILC Headquarters, 1018 Thomasville Road, Ste. 100-A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Wed., September 8, 1999, 9:00 a.m., EDT

PLACE: FILC Headquarters, 1018 Thomasville Road, Ste. 100-A, Tallahassee, FL 32303-6271

PURPOSE: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32399-0696, telephone (850)487-3431.

Any person who needs an accommodation to participate in this meeting because of a disability should submit a request for such accommodation in writing at least one week before the meeting date.

**COMMITTEE AND TASK FORCE MEETINGS:** Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

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#### **PINELLAS WAGES COALITION**

**NOTICE OF CHANGE** – The **Pinellas WAGES Coalition** announces a CHANGE of location for a meeting on:

**DATES AND TIME:** Friday, September 10, 1999; Saturday, September 11, 1999, 8:30 a.m. – 5:00 p.m.

**PLACE:** Adam's Mark Hotel and Resort, 430 South Gulfview Blvd., Clearwater Beach, FL 33767

**PURPOSE:** Regularly scheduled meetings of the Coalition and Executive Committee in a retreat format.

**SUBJECT MATTER:** Regular coalition business.

Members of the public are invited to attend. Agendas can be obtained seven days in advance of the meeting at Suite 304, Pinellas WAGES Coalition, 13770 58th Street, North, Clearwater or by calling (727)507-6197.

Persons needing special accommodations to participate in the meeting should call at least 3 days in advance at (727)507-6197.

If any person wishes to appeal any decision made by the Pinellas WAGES Coalition, with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

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The **Pinellas Wages Coalition** announces the following meeting on:

**DATE AND TIME:** Monday, September 13, 1999, 10:00 a.m.

**PLACE:** 4140 49th Street, North, Large Conference Room, St. Petersburg, Florida

**PURPOSE:** Regular meeting of the Hardship Review Commission Steering Committee of the Pinellas WAGES Coalition

**ISSUES TO BE DISCUSSED:** Hardship Exemptions

Members of the public are invited to attend and to be heard. Agendas can be obtained 7 days in advance of the meeting at 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by the Pinellas WAGES Coalition's Steering Committee with respect to any matter considered at such meeting will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or imply a right to appeal any decision made at this meeting if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, telephone (813)507-6197.

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The **Pinellas Wages Coalition** announces the following meeting of its Hardship Review Commission.

**DATE AND TIME:** Tuesday, September 21, 1999, 9:00 a.m. – 5:00 p.m.

**PLACE:** 4140 49th Street, North, Conference Room, St. Petersburg, Florida

**DATE AND TIME:** Wednesday, September 22, 1999, 9:00 a.m. – 5:00 p.m.

**PLACE:** 3151 3rd Avenue, North, 300 Plaza, West, 1st Floor Conference Room, St. Petersburg, Florida

**DATE AND TIME:** Thursday, September 23, 1999, 9:00 a.m. – 5:00 p.m.

**PLACE:** 1100 Cleveland Street, 5th Floor, Conference Room, Clearwater, Florida

**PURPOSE:** WAGES Hardship Exemption Hearings

Members of the public are invited to attend. Interested parties may appear and be heard at the hearings. Hearing schedules can be obtained 7 days in advance of the meeting by contacting: 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal\* any decision made by the Pinellas WAGES Coalition's Hardship Review Commission with respect to any matter considered at such hearing will need a record of the proceedings and, for such purpose, may need to

ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or imply a right to appeal any decision made at this hearing if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, or telephone (727)507-6197.

\* Appeal may be made through a Fair Hearing with the Department of Children and Family Services and/or through the Coalition's policy.

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### FLORIDA LEAGUE OF CITIES

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited:

DATE AND TIME: September 16, 1999, 10:00 a.m.

PLACE: Alexander Suites, 5225 Collins Avenue, Miami Beach, Florida, (305)865-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting: Michael Madden, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 253.

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The **Florida Municipal Investment Trust (FMIvT)** announces a public meeting to which all persons are invited:

DATE AND TIME: September 16, 1999, 2:00 p.m.

PLACE: Alexander Suites, 5225 Collins Avenue, Miami Beach, Florida, (305)865-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Investment Trust (FMIvT) to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting: Michael Madden, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 253.

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The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited:

DATE AND TIME: September 16, 1999, 4:00 p.m.

PLACE: Alexander Suites, 5225 Collins Avenue, Miami Beach, Florida, (305)865-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Michael Madden, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 253.

Notice is hereby given that the Florida Department of Transportation, in cooperation with the City of Lakeland, will hold a public hearing concerning the proposed deletion of the Business US 98 route through the City of Lakeland. The Business US 98 route begins at the intersection of Bartow Highway (US 98) and Lake Parker Avenue, continuing northwesterly to Main Street; continuing westerly along Main Street to Florida Avenue; continuing northerly along Florida Avenue and ending at its intersection with Memorial Boulevard (US 98).

The hearing will be held in the City Commission Chambers, City Hall, 228 South Massachusetts Avenue, Lakeland, Florida on September 16, 1999, from 4:00 p.m. – 6:00 p.m. All persons wishing to be heard on this subject are hereby notified to appear at said hearing.

For more information, please contact: Frank Meares, Florida Department of Transportation, District One, P. O. Box 1249, Bartow, Florida 33831-1249, Phone (941)519-2539 or 1(800)292-3368

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### CITY OF LAKELAND

Notice is hereby given that the Florida **Department of Transportation**, in cooperation with the **City of Lakeland** will hold a public hearing.

DATE AND TIME: September 16, 1999, 4:00 p.m. – 6:00 p.m.

PLACE: City Commission Chambers, City Hall, 228 South Massachusetts Avenue, Lakeland, Florida

PURPOSE: Concerning the proposed deletion of the Business US 98 route through the City of Lakeland. The Business US 98 route begins at the intersection of Bartow Highway (US 98) and Lake Parker Avenue, continuing northwesterly to Main Street; continuing westerly along Main Street to Florida Avenue; continuing northerly along Florida Avenue and ending at its intersection with Memorial Boulevard (US 98).

All persons wishing to be heard on this subject are hereby notified to appear at said hearing.

For more information, please contact: Frank Meares, Florida Department of Transportation, District One, P. O. Box 1249, Bartow, Florida 33831-1249, Phone (941)519-2539 or 1(800)292-3368.

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### VISIT FLORIDA

The **Florida Tourism Industry Marketing Corporation**, d/b/a VISIT FLORIDA announces public meetings of the Finance Committee, Ecotourism/Heritage Tourism Subcommittee, Multi-Cultural Subcommittee, Visitor Services Advisory Subcommittee, Partner Development Committee, Board of Directors and the Florida Commission on Tourism.

MEETING: Ecotourism/Heritage Tourism Subcommittee  
 DATE AND TIME: Wednesday, September 22, 1999, 9:00 a.m. – 12:00 Noon

PURPOSE: The subcommittee will review task force endeavors, hear regional updates and other business as necessary.

MEETING: Visitor Services Advisory Subcommittee  
 DATE AND TIME: Wednesday, September 22, 1999, 11:00 a.m. – 12:00 Noon

PURPOSE: The Subcommittee will review welcome center activity reports, visitor counting methods and other related business.

MEETING: Finance Committee  
 DATE AND TIME: Wednesday, September 22, 1999, 1:00 p.m. – 3:00 p.m.

PURPOSE: The committee will review YTD budgets and financial statements.

MEETING: Multi-Cultural Subcommittee  
 DATE AND TIME: Wednesday, September 22, 1999, 1:00 p.m. – 3:00 p.m.

PURPOSE: The Subcommittee will hear a review of the minority convention grants, view new TV spots and other business as necessary.

MEETING: Partner Development Committee  
 DATE AND TIME: Wednesday, September 22, 1999, 3:00 p.m. – 5:00 p.m.

PURPOSE: The discussion will focus on strategies for recruiting new Partners and developing additional Partner benefits.

MEETING: Board of Directors  
 DATE AND TIME: Thursday, September 23, 1999, 10:00 a.m. – adjourned

PURPOSE: The Board of Directors will discuss committee reports, on-going and developing issues, and other matters.

MEETING: Florida Commission on Tourism  
 DATE AND TIME: Thursday, September 23, 1999, upon adjournment by the Board of Directors meeting

PURPOSE: The Commission will ratify actions of the Board of Directors and discuss other matters as necessary.

PLACE: Amelia Island Plantation, Amelia Island, FL, (904)261-6161

For further information contact: Sandy Stevens, CMP, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, or at (850)488-5607, Ext. 364.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION**

The Florida Local Government Finance Commission announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, September 24, 1999, 10:30 a.m.  
 PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

PURPOSE: Meeting of the Commission relating to its statewide pooled commercial paper program.

**Section VII  
 Notices of Petitions and Dispositions  
 Regarding Declaratory Statements**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement in Re: Petition for Declaratory Statement, Justo E. Gomez, Unit Owner, Arlen Beach Condominium Association, Inc., Petitioner; Docket Number DS1999096.

The declaratory statement provided, in summary, that section 718.112(2)(b)3., Florida Statutes, did not prohibit the Arlen Beach Condominium Association from adjourning its meeting and holding the voting process open for 90 days to allow unit owners to vote for/against an amendment to the condominium's declaration.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

**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

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 00L-31, W/O 29015, Replace Campus Selector Switches, Phase I, estimated budget: \$370,000-\$395,000, to be opened September 28, 1999, at 1:30 p.m. in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Local Time. Scope of work: Replacement of existing oil insulated vault style switches and oil fused cutouts in existing manholes with new sulfur hexachloride switches, including all associated cable terminations, refurbishment of manhole appurtenances, and related work. The work will be phased over the year-long completion time to minimize outages and disruptions to the educational mission of the University. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331.

A Mandatory Pre-Bid Meeting will be held September 14, 1999, 9:30 a.m. in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL.

All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 00L-32, W/O 369811, Medium Voltage Switch Replacement, Project 2, estimated budget: \$375,000-\$400,000, to be opened September 30, 1999, at 1:30 p.m. in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Local Time. Scope of work: Replacement of existing oil insulated vault style switches and oil fused cutouts in existing manholes with new sulfur hexachloride switches, including all associated cable terminations, refurbishment of manhole appurtenances, and related work. The work will be phased over the year-long completion time to minimize outages and disruptions to the educational mission of the University. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331.

A Mandatory Pre-Bid Meeting will be held September 16, 1999, at 9:30 a.m. in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to A. J. Sontag, Assistant Director, UF Purchasing (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303 within three (3) days of the event.

NOTICE TO CONSTRUCTION MANAGERS

The Florida State University announces that Construction Management Services will be required for the project listed below:

Project and Location:

Project No.: BR-244

Project: Business School Hospitality Program Improvements

Location: Pottsdamer Road, Florida State University, Tallahassee, Florida

This project consists of the construction of a new 25,113 gsf clubhouse facility and improvements to an existing golf course with related practice area to be utilized for the operation of the Seminole Golf Course and Club. The facility will provide interdependent space in a unique collaborative effort to serve the needs of three separate departments: the Professional Golf Management program, in the College of Business, Department of Hospitality Administration; the Department of Business Services, which oversees the operation of the golf course and club through an independent contractor; and the Department of Intercollegiate Athletics, which uses the facilities for the men's and women's golf teams.

The project construction budget is \$3,361,815.

The contract for construction management will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses,

development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at the 100% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the construction manager's contract.

Selection of the finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability; critical path scheduling expertise; cost estimating; cost control ability; quality control ability; qualifications of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the State University System's standard construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting:

Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Building A, Florida State University, Tallahassee, FL 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information or questions, please contact John M. Ward, Project Manager at the same address.

Submittals must be received at the above address by 2:00 p.m., local time on Friday, October 1, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of Central Florida, on behalf of the State of Florida, Board of Regents, announces that Professional Services in the discipline of planning will be required for the project listed below:

Project No. BR-458

Project and Location: Campus Master Plan Update, University of Central Florida, Orlando Florida

The cost will be approximately \$275,000.00.

The project consists of:

1. Firms who possess the capability to produce a master plan document, that links graphic imagery with narrative content, in a digital, interactive format accessible on the University of Central Florida Homepage. This electronic master plan needs to be informative, interesting and above all intriguing to use. The document needs to transcend all of the previous attempts at master planning, developing a document that is graphically elegant, well written and intuitively interactive.
2. Describe your background and experience with HTML, Java, JavaScript and Shockwave Flash. We are also interested in your experience with panoramic digital photography and embedded video.
3. Firms with master planning experience involving landscape, lighting, and signage master plans with large complex public agencies, preferably educational. Experience with environmental and infrastructures issues should be discussed. Also discuss your experience in developing linkages to urban transportation systems, as well as planning for internal people moving systems and service vehicular routes.
4. Firms who are able to exhibit some experience and knowledge of the university master plan, its history and development. Describe your involvement with the evolution of the master plan for the University of Central Florida. Understand that we will be dealing with the final build out of the university, concentrating on the issues associated with that ongoing planning process. Also discuss your experience in negotiating agreements with regulatory agencies involving educational facilities.

The selected firm will provide the analysis, narrative, and graphics required to update the campus master plan. Blanket professional liability insurance will not be required for this project.

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated 2/99. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, Office of Facilities Planning, Phone (407)823-2166, Fax (407)823-5141, Email: gseabroo@mail.ucf.edu, Web site www.fp.ucf.edu.

Submittals must be received in the University of Central Florida, Office of Facilities Planning, 4000 Central Florida Boulevard, P. O. Box 163020, Orlando, FL 32816-3020, Phone (407)823-2166, Fax (407)823-5141, by 5:00 p.m. local time, on October 4, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida, on behalf of the State of Florida, Board of Regents, announces that Professional Services in the discipline of master planning will be required for the project listed below:

Project No. BR-976

Project and Location: Master Plan Update – University of North Florida, Jacksonville, Florida

The project consists of updating the current university's comprehensive campus master plan in the following areas: urban design, land use, academic facilities, support facilities, housing, recreation and open space, pedestrian and non-vehicular circulation, transit circulation and parking, utilities, conservation, capital improvements, architectural and landscape design guidelines, facilities maintenance and coastal management. Emphasis will be directed toward the resolution of goals and objectives regarding components of the comprehensive plan that have illustrated growth over the past five years. The planning effort will continue to preserve the integrity of the original master plan while strategically aligning the University for future growth.

The selected firm may be required to coordinate with local governments and assist the University in the preparation and negotiation of development agreements for concurrency and mitigation, if required. The master plan will be developed in accordance with the State University System "Guideline for the Comprehensive Campus Master Plan System, April 1992."

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated 9/15/97. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 4 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, and other pertinent project information may be obtained by contacting: Spyros D. Drivas, AIA, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, (904)620-2016, Fax (904)620-2020.

Submittals must be received in the Office of Facilities Planning, JJ Daniel Hall, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, 5:00 p.m., Monday, October 4, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida, on behalf of the State of Florida, Board of Regents, announces that Professional Services in the discipline of engineering will be required for the project listed below:

Project No. BR-957

Project and Location: Utility/Infrastructure, University of North Florida.

The project consists of addressing the General Infrastructure, utilities, transportation, communication issues and other related issues of the University of North Florida. It is the intent of this project to request the Design Professional selected for this project to provide a complete analysis/survey of the scope of work identified, in order to determine the conditions of the existing systems in terms of useful service life, establish cost and priority.

The selected firm will provide design, construction documents and administration for the referenced project.

Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated 9/15/97. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit four copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or

consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Spyros D. Drivas, AIA, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, (904)620-2016, Fax (904)620-2020

Submittals must be received in the Office of Facilities Planning, JJ Daniel Hall, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, by 5:00 p.m. local time, on October 4, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### READVERTISEMENT – PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

This advertisement shall supersede and replace the advertisement for the referenced project number which appeared in the August 13, 1999 Florida Administrative Weekly.

PROJECT NUMBER: FSDB 990001

PROJECT NAME: Physical Education and Activities Building, MacWilliams Hall Renovation Phase III, and Various Projects (To be determined).

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

The Florida School for the Deaf and the Blind (FSDB) requests qualifications from construction management firms to provide Construction Management at Risk Services for a new Physical Education and Activities Building, MacWilliams Hall Renovation Phase III, and Various Projects. The construction budget for the Physical Education and Activities Building is \$2,000,000.00 (possibly more contingent on additional privately donated funds), MacWilliams Hall Renovation Phase III is \$1,000,000.00, and for the Various Projects is \$1,250,000.00.

Pre-construction services will start October 30, 1999. Construction start date is estimated to be March 1, 2000.

The Physical Education and Activities Building and the Various Projects will be administered by FSDB. MacWilliams Hall Renovation Phase III will be administered for FSDB by the Department of Management Services (DMS) after the selection process.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S. and follow DMS format.

Firms interested in being considered for this project must submit an application with the following information:



1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, form DBC5085.
3. Resumes of proposed staff and staff organization.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

Submit four copies of your application to: The Florida School for the Deaf and the Blind, Mary Rios, Campus Architect, Facilities Department, 207 North San Marco Avenue, Building 27, St. Augustine, FL 32084-2799.

Response Due Date: October 4, 1999, 3:00 p.m.

For further information and to visit the site contact: Mary Rios, Campus Architect, (904)827-2358.

A maximum of 4 firms will be short-listed on October 7, 1999. The results of this selection will be posted at FSDB, 207 North San Marco Ave., Building 27, St. Augustine, FL during regular business hours beginning on October 8, 1999. Following the short-list selection a Pre-interview workshop will be held on October 14, 1999 at 11:00 a.m. for all short-listed firms. Interviews will be conducted on October 22, 1999. A final selection will be made after the interviews have taken place.

Any protest on either the short-list or final selection must be made within 72 hours of posting the notice. If no protest is received within 72 hours, contract award and negotiation will proceed with the selected firm. The final selection results will be published in the Florida Administrative Weekly.

**DEPARTMENT OF MANAGEMENT SERVICES**

**NOTICE TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
SERVICES FOR  
ARCHITECTURE – ENGINEERING**

Building Construction announces that professional services are required for the project listed below. Applications are to be sent to Larry Roemer, State of Florida, Department of Management Services, Division of Building Construction, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

PROJECT NUMBER: AG-99006020

PROJECT NAME: Fort Pierce State Farmers' Market

PROJECT LOCATION: Fort Pierce, Florida

SERVICES TO BE PROVIDED: Complete Architectural/Engineering services for an office building and other work. Total construction budget is approximately \$700,000.00.

SAMAS CODE: 42-30-1-000762-42170000-00-086160-00

CLIENT AGENCY: Department of Agriculture and Consumer Services

CLIENT AGENCY REPRESENTATIVE: Mark Markley

DMS PROJECT DIRECTOR: Larry Roemer

PHONE NO: (813)744-6284

RESPONSE DUE DATE: October 1, 1999, 2:00 p.m., local time.

The results of this selection will be posted at Division of Building Construction 4508 Oak Fair Blvd., Suite 200, Tampa, Florida during regular business hours on October 6, 1999.

**INSTRUCTIONS**

Firms interested in being considered for this project must submit 5 copies of their application with a table of contents and tabbed sections in the following order:

1. Letter of interest, which indicates the firm's qualifications, related, experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Chapter 287.055, Florida Statutes.

Applicants are advised that plans and specifications for A/E projects may be reused. An appropriate contractual agreement will be made with the selected firm should this be necessary. Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, negotiation and contract award will proceed with the selected firm. The selected firm will be notified and announcement of selected firms will be published in the Florida Administrative Weekly.

**BUILDING CONSTRUCTION  
PUBLIC ANNOUNCEMENT FOR CONSTRUCTION  
MANAGEMENT SERVICES**

PROJECT NUMBER: AG-99006020

PROJECT NAME: Fort Pierce State Farmers' Market

**PROJECT LOCATION:** Fort Pierce, Florida

The Department of Management Services, Building Construction, requests qualifications from construction management firms to provide construction management services for this project. The construction budget for this project is up to \$700,000.00. Construction start date is June 2000. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations to operate in the State of Florida at the time of application. The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of Building Construction.

**INSTRUCTIONS**

Firms interested in being considered for this project must submit 5 copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

Applications are to be sent to Larry Roemer, State of Florida, Department of Management Services, Division of Building Construction, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

Response Due Date: October 1, 1999, 2:00 p.m., local time

The results of this selection will be posted at: Division of Building Construction 4508 Oak Fair Blvd., Suite 200, Tampa, Florida during regular business hours starting October 6, 1999. Any protest on the selection must be made within 72 hours of posting this notice. If no protest is received within 72 hours, contract award and negotiation will proceed with the selection firm. The selection results will be published in the Florida Administrative Weekly.

**BUILDING CONSTRUCTION**

**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES**

**PROJECT NUMBER:** VKB-98069000

**PROJECT NAME:** Village of Key Biscayne Civic Center, Community Center, Fire, Police Station and Emergency Service Facility.

**PROJECT LOCATION:** Village of Key Biscayne, Florida.

The Department of Management Services, Building Construction, and the Village of Key Biscayne, Florida, requests qualifications from construction management firms to provide construction management services for a new Civic Center, Community Center, Fire, Police Station and Emergency Service Facility. The construction budget for this project to be determined. Construction start date is: February 2000.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application. The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of Building Construction.

**INSTRUCTIONS**

Firms interested in being considered for this project must submit 10 copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest, detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

Submit 10 copies of your application to the Department of Management Services, Building Construction Project Director, Rafael Martinez Jr., (813)744-6801, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

Response Due Date: October 1, 1999, 4:30 p.m.

The results of this selection will be posted at The Village of Key Biscayne, Building, Zoning and Planning Department. Located at 85 West McIntyre Street, Key Biscayne, Florida and at The Department of Management Services, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610 during regular business hours starting November 8, 1999. Any protest on the selection must be made within 72 hours of posting this notice. If no protest is received within 72 hours, contract award and negotiation will proceed with the selection firm. The selection results will be published in the Florida Administrative Weekly.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**REQUEST FOR PROPOSALS**

RFPBDRS 07-99/00

Sealed responses will be received by the Department of Environmental Protection (DEP) Alfred B. Maclay State Gardens, 3540 Thomasville Road, Tallahassee, Florida 32308, until the time, day and date shown below:

\*\*\*\*\*

Proposal Due Date: Monday, October 4, 1999

This Request for Proposals (RFP) is for certified (prime) Engineers, in the State of Florida, to prepare construction plans and specifications for park construction at Silver River State Park in Ocala, Marion County. Services required include code compliance planning, design, permitting and construction administration for the construction of access roads, parking, utilities and related site improvements needed for the development of 10 rental cabins (architectural services may be provided by the Department) located within Silver River State Park. The prime consultant will also need to provide electrical/mechanical, surveying and geotechnical services. Additional scope of work will be developed prior to negotiations.

\*\*\*\*\*

Any person with a qualified disability shall not be denied equal access and effective communication regarding any solicitation documents or the attendance at any related meeting or solicitation response opening. If accommodations are needed because of a disability, please contact the Contracts Section at (850)488-3539.

Solicitation packages may be obtained at the above address by calling telephone number (850)488-3539. Please specify the solicitation package by the DEP Solicitation Number provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals.

**REQUEST FOR PROPOSALS**

RFPBDRS 08-99/00

Sealed responses will be received by the Department of Environmental Protection (DEP) Alfred B. Maclay State Gardens, 3540 Thomasville Road, Tallahassee, Florida 32308, until the time, day and date shown below:

\*\*\*\*\*

Proposal Due Date: Monday, October 4, 1999

This Request for Proposals (RFP) is for certified (prime) Engineers, in the State of Florida, to prepare construction plans and specifications for park development at Savannas State Preserve, located near Ft. Pierce in St. Lucie County. Services required include code compliance planning, design, permitting and construction administration for roads, parking areas, utilities and related site work. The prime consultant will also

need to provide electrical/mechanical engineering services, surveying and geotechnical services. Additional scope of work will be developed prior to negotiations.

\*\*\*\*\*

Any person with a qualified disability shall not be denied equal access and effective communication regarding any solicitation documents or the attendance at any related meeting or solicitation response opening. If accommodations are needed because of a disability, please contact the Contracts Section at (850)488-3539.

Solicitation packages may be obtained at the above address by calling telephone number (850)488-3539. Please specify the solicitation package by the DEP Solicitation Number provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals.

**REQUEST FOR PROPOSALS**

RFPBDRS 09-99/00

Sealed responses will be received by the Department of Environmental Protection (DEP) Alfred B. Maclay State Gardens, 3540 Thomasville Road, Tallahassee, Florida 32308, until the time, day and date shown below:

\*\*\*\*\*

Proposal Due Date: Monday, October 4, 1999

This Request for Proposals (RFP) is for certified (prime) Engineers, in the State of Florida, to prepare construction plans and specifications for park development at Big Shoals State Park, near White Springs in Hamilton County. Services required include code compliance planning, design, permitting and construction administration for park development. The prime consultant will also need to provide civil, electrical and mechanical engineering services. Surveying and geotechnical services may also be required. Additional scope of work will be developed prior to negotiations.

\*\*\*\*\*

Any person with a qualified disability shall not be denied equal access and effective communication regarding any solicitation documents or the attendance at any related meeting or solicitation response opening. If accommodations are needed because of a disability, please contact the Contracts Section at (850)488-3539.

Solicitation packages may be obtained at the above address by calling telephone number (850)488-3539. Please specify the solicitation package by the DEP Solicitation Number provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**ITN #1 – Adult Mental Health**

This is a solicitation for interest in an exempt procurement. This is not a competitive procurement, and there are no protest or appeal rights. This is not an offer to contract.

The Department will consider any proposal received. The Department retains the right: to enter into private negotiations regarding any proposal of interest, and may negotiate with more than one proposer; to modify the plans for the program, to abandon the procurement; or to procure the services from a non-proposer; and retains all other incidents of exempt procurement. Proposal costs will not be paid by the Department.

Any applicant certified as a State Minority Business Enterprise and submitting appropriate documentation will be awarded a bonus of 3 points to their total score.

Any response received will immediately become a public record. Do not submit trade secrets or confidential information.

The District 7, Alcohol, Drug Abuse and Mental Health Program Office is accepting proposals with the intent to negotiate for the following Adult Mental Health services:

- \$4,200,000 (pending available funding/appropriation)
- No capital outlay provided; service funding only
- Preference to geographic areas currently under served (under equity)
- Preference to providers currently under contract with ADM
- Priority services include: Assertive Community Treatment Models, Crisis Services, Case Management, Forensic/In-Jail services, and services for the dually diagnosed. Proposals identifying one or more of the above services will receive priority for consideration.

All proposals considered will address the following:

- Expense and Revenue, projected budget, rate/fee for service(s)
- Most recent financial audit, if available
- Agency Operational Plan (description of service to be provided)
- Copy of existing substance abuse license(s), if applicable

Please address proposals to: Andry Sweet, Contract Manager, Department of Children and Family Services, District 7, Alcohol, Drug Abuse and Mental Health, 400 West Robinson St., Suite S-430, Orlando, Florida 32801

No phone inquiries please. All proposals must be received no later than Close of Business (5:00 p.m.) on Friday, September 23, 1999.

**ITN #2 – Adult Substance Abuse**

This is a solicitation for interest in an exempt procurement. This is not a competitive procurement, and there are no protest or appeal rights. This is not an offer to contract.

The Department will consider any proposal received. The Department retains the right: to enter into private negotiations regarding any proposal of interest, and may negotiate with more than one proposer; to modify the plans for the program, to abandon the procurement; or to procure the services from a non-proposer; and retains all other incidents of exempt procurement. Proposal costs will not be paid by the Department.

Any applicant certified as a State Minority Business Enterprise and submitting appropriate documentation will be awarded a bonus of 3 points to their total score.

Any response received will immediately become a public record. Do not submit trade secrets or confidential information.

The District 7, Alcohol, Drug Abuse and Mental Health Program Office is accepting proposals with the intent to negotiate for the following Adult Substance Abuse services:

- \$1,650,000 (pending available funding/appropriation)
- No capital outlay provided; service funding only
- Preference to geographic areas currently under served (under equity)
- Preference to providers currently under contract with ADM
- Priority services include: Continuum of care, Aftercare, Services for the dually dually diagnosed, Detox/Marchman Act facility beds, Residential Treatment, Women’s Services, services aimed at reducing child abuse by substance abusing parents. Proposals identifying one or more of the above services will receive priority for consideration.

All proposals considered will address the following:

- Expense and Revenue, projected budget, rate/fee for service(s)
- Most recent financial audit, if available
- Agency Operational Plan (description of service to be provided)
- Copy of existing substance abuse license(s), if applicable

Please address proposals to: Andry Sweet, Contract Manager, Department of Children and Family Services, District 7, Alcohol, Drug Abuse and Mental Health, 400 West Robinson St., Suite S-430, Orlando, Florida 32801

No phone inquiries please. All proposals must be received no later than Close of Business (5:00 p.m.) on Friday, September 23, 1999.

**ITN #3 – Children’s Substance Abuse**

This is a solicitation for interest in an exempt procurement. This is not a competitive procurement, and there are no protest or appeal rights. This is not an offer to contract.

The Department will consider any proposal received. The Department retains the right: to enter into private negotiations regarding any proposal of interest, and may negotiate with more than one proposer; to modify the plans for the program, to abandon the procurement; or to procure the services from a

non-proposer; and retains all other incidents of exempt procurement. Proposal costs will not be paid by the Department.

Any applicant certified as a State Minority Business Enterprise and submitting appropriate documentation will be awarded a bonus of 3 points to their total score.

Any response received will immediately become a public record. Do not submit trade secrets or confidential information. The District 7, Alcohol, Drug Abuse and Mental Health Program Office is accepting proposals with the intent to negotiate for the following Children's Substance Abuse services:

- \$615,000 (pending available funding/appropriation)
- No capital outlay provided; service funding only
- Preference to geographic areas currently under served (under equity)
- Preference to providers currently under contract with ADM
- Priority services include: Centralized Assessment, Outpatient services, Prevention and Overlay services, Continuum of care services. Proposals identifying one or more of the above services will receive priority for consideration.

All proposals considered will address the following:

- Expense and Revenue, projected budget, rate/fee for service(s)
- Most recent financial audit, if available
- Agency Operational Plan (description of service to be provided)
- Copy of existing substance abuse license(s), if applicable

Please address proposals to: Andry Sweet, Contract Manager, Department of Children and Family Services, District 7, Alcohol, Drug Abuse and Mental Health, 400 West Robinson St., Suite S-430, Orlando, Florida 32801

No phone inquiries please. All proposals must be received no later than Close of Business (5:00 p.m.) on Friday, September 23, 1999.

**ITN #4 – Children's Mental Health**

This is a solicitation for interest in an exempt procurement. This is not a competitive procurement, and there are no protest or appeal rights. This is not an offer to contract.

The Department will consider any proposal received. The Department retains the right: to enter into private negotiations regarding any proposal of interest, and may negotiate with more than one proposer; to modify the plans for the program, to abandon the procurement; or to procure the services from a non-proposer; and retains all other incidents of exempt procurement. Proposal costs will not be paid by the Department.

Any applicant certified as a State Minority Business Enterprise and submitting appropriate documentation will be awarded a bonus of 3 points to their total score.

Any response received will immediately become a public record. Do not submit trade secrets or confidential information. The District 7 Alcohol, Drug Abuse and Mental Health Program Office is accepting proposals with the intent to negotiate for the following Children's Mental Health services:

- \$800,000 (pending available funding/appropriation)
- No capital outlay provided; service funding only
- Preference to geographic areas currently under served (under equity)
- Preference to providers currently under contract with ADM
- Priority services include: Centralized Assessment (Diagnostic/Evaluation), Early Intervention programs, Lower Cost Residential alternatives, Intensive Outpatient (Community Based Care, Wraparound services). Proposals identifying one or more of the above services will receive priority for consideration.

All proposals considered will address the following:

- Expense and Revenue, projected budget, rate/fee for service(s)
- Most recent financial audit, if available
- Agency Operational Plan (description of service to be provided)
- Copy of existing substance abuse license(s), if applicable

Please address proposals to: Andry Sweet, Contract Manager, Department of Children and Family Services, District 7, Alcohol, Drug Abuse and Mental Health, 400 West Robinson St., Suite S-430, Orlando, Florida 32801

No phone inquiries please. All proposals must be received no later than Close of Business (5:00 p.m.) on Friday, September 23, 1999.

**INVITATION TO BID NUMBER ESS-99-09-09  
FOR**

**GRANT-IN-AID FOR COMMUNITY AGENCIES AND ORGANIZATIONS SERVING THE HOMELESS IN SEMINOLE, OSCEOLA OR BREVARD COUNTY**

The State of Florida, Department of Children and Family Services, District 7, Economic Self Sufficiency Program Office is soliciting proposals for case managed transitional housing for homeless families and/or individuals. Copies of the proposal package are available from: B. Gail Phillips, 400 W. Robinson Street, Suite S1009, Orlando, Florida 32801. The Economic Self Sufficiency Program Office must receive all completed bid packages by 10:00 a.m. September 9, 1999. Proposal openings will be at 1:00 p.m., September 9, 1999. The Department reserves the right to reject any and all proposals, or accept minor irregularities in the best intent of the State. Certified Minority Business Enterprises are encouraged to participate.

**Request for Proposal**

The Department of Children and Family Services, Alcohol, Drug Abuse and Mental Health Program Office in District 5 is accepting proposals from qualified providers to implement two consumer managed Drop In Centers in Pinellas County; RFP # 00101.

The intent of the Drop In Center Program is to create a safe environment in which mental health consumers participate in developing structured activities, develop peer support groups, participate in creating consumer service boards, and developing policies and procedures.

Contact Person: Gail Moss, ADM Program Office, District 5, (727)588-6833

**Partial Schedule of Events:**

Request for Proposal Released	September 13, 1999
Notice of Intent to Bid Deadline	September 28, 1999
Bidders Conference	October 5, 1999
Submit Proposals Deadline	October 22, 1999
Anticipated Contract Effective Date	January 1, 2000

**THE FLORIDA LEGISLATURE**

**NOTICE OF REQUEST FOR PROPOSAL**

Statement of Work: Pursuant to s. 112.658, Florida Statutes, the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA), is required to employ an independent consulting actuary who is an enrolled actuary as defined by Section 112.625(3), Florida Statutes, to assist in the determination of whether the Florida Retirement System complies with provisions of the Florida Protection of Public Employee Retirement Benefit Act. The Florida Retirement System is administered by the Department of Management Services. OPPAGA is requesting proposals from independent consulting actuaries of wide experience and national reputation to examine and review the 1999 actuarial valuation of the Florida Retirement System.

Proposals: Proposals must be submitted in accordance with the content set forth in the "Request for Proposal for a Study of the 1999 Actuarial Valuation of the Florida Retirement System," dated September 3, 1999. Copies of this document are available from the contact person.

Contact Person: Debra Waters, OPPAGA, 111 W. Madison Street, Tallahassee, FL 32399-1475; phone number (850)488-0577. Consultants can also request an electronic copy of the Request for Proposals through OPPAGA's RFP Internet e-mail address at: RFP@mail.oppaga.state.fl.us

Dates: The closing date for proposals is 3:30 p.m., Eastern Time, September 24, 1999. The written proposal must be delivered to OPPAGA prior to the closing date and time. Proposals which for any reason are not so delivered will not be

considered. OPPAGA reserves the right to reject any and all proposals. Unless all proposals are rejected, it is anticipated that the contract will be awarded in early October 1999.

**HIGHLANDS COUNTY SCHOOL BOARD**

The Highlands County School Board is requesting bid proposals from qualified food service distributors to supply mainline food items and kitchen supplies to the Highlands County School District.

A copy of the RFBP may be obtained from: HCSB Purchasing Office, 426 School Street, Sebring, FL 33870. You may also contact the Purchasing Office, (941)471-5743.

**DEPARTMENT OF MILITARY AFFAIRS**

The State of Florida, Office of Adjutant General, Department of Military Affairs requests the qualifications from firms to provide engineering services throughout the State of Florida. The firm selected will enter into a Continuing Contract for work of a specific nature as outlined in the contract in accordance with and as defined in Paragraph 2g of Section 287.055, Florida Statutes, "The Consultants Competitive Negotiation Act." This will be a multiple award contract for an initial period of two years with an option to renew for two additional two-year periods.

The results of this selection will be posted at Department of Military Affairs, Ensslin Armory, 2305 State Road 207, St. Augustine, Florida 32086 during regular business hours on September 24, 1999.

**INSTRUCTIONS:**

1. Letter of interest detailing firms competence in various aspects of the discipline (Civil, Structural, Environmental, and Utility Engineering; Constructability Reviews, Bidding & Construction Phase Services). Include a list of sample projects and prior experience with the National Guard.
  2. A current Professional Qualifications Supplement.
  3. A copy of the firm's current Florida Professional Registration License.
  4. A current SF-254.
  5. A current SF-255, with resumes of proposed personnel to be assigned.
  6. For corporations only, a copy of the current Corporate Charter Certificate showing validation date and designation of professionals qualifying the corporation to practice in the discipline for which it is applying.
- Submittals must be received no later than 4:00 p.m. local time on September 24, 1999 and should be mailed to: Major William H. Harding, Florida Army National Guard, Supervisor Civil Engineer, Department of Military Affairs, 2305 State Road 207, St. Augustine, Florida 32086. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants that do not comply with these instructions or those that do not include the requested data will not be considered.

All information received will be maintained in the project file and will not be returned. Any protests of the selection must be made within 72 hours of the posting. If no protest is received within 72 hours, contract award and negotiation will proceed with the selected firms.

**PINELLAS WAGES COALITION**

NOTICE OF CHANGE – Notice of Pinellas WAGES Coalition and the Pinellas Workforce Development Board, Inc. Proposer Presentations and Proposal Review Team Recommendations.

The Pinellas WAGES Coalition and the Pinellas Workforce Development Board, Inc. announce that proposer presentations in response to the RFP TO PROVIDE WAGES, WELFARE TO WORK FORMULA GRANT FUNDS AND WORKFORCE INVESTMENT ACT TITLE I SERVICES will be heard by the Proposal Review Team on Monday, September 13, 1999 from 9:00 a.m. – 5:00 p.m., 13770 58th Street, North, Suite 312, Clearwater, Florida. The Proposal Review Team will meet on Tuesday, September 14, 1999 from 9:00 a.m. to noon at the same location to formulate award recommendations. Award recommendations will be presented to the Pinellas WAGES Coalition and the Executive Committee of the Pinellas Workforce development Board, Inc. for determination of contract award on Friday, September 17, 1999, 8:30 a.m. at the same location.

Members of the public are invited to attend. Any person wishing to appeal any decision made by the Pinellas WAGES Coalition and Pinellas Workforce Development Board, Inc. with respect to any matter considered at such meeting will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or imply a right to appeal any decision to be made at these meetings if the right to an appeal does not exist as a matter of law. In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in these proceedings is asked to advise the agencies sending this notice no later than three working days prior to the proceedings at the address given on the notice, telephone (727) 524-4335.

**HILLSBOROUGH COUNTY AVIATION AUTHORITY**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Engineering firms or individuals desiring to render Professional Services for the following project at Tampa International Airport, Tampa, Florida:

RECONSTRUCT AND RELOCATE TAXIWAY “W” FROM “W-4” TO “W-6”, RELOCATE TAXIWAY “A-4”, RELOCATE TAXILANE “A” ADJACENT TO AIRSIDE “E”, INSTALL RUNWAY GUARD LIGHTS FOR RUNWAY 18R-36L AND RELATED WORK

Services to be furnished shall include, but not be limited to, all engineering design and surveys related to civil, electronic and electrical systems; testing; assistance during the advertising, bid and award phase; and basic services and resident inspection during construction. A more detailed Scope of Services will be included in the formal Request for Proposals.

Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to: William J. Connors, Jr., Senior Director of Planning and Development, Hillsborough County Aviation Authority, Post Office Box 22287, Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submissions, to William J. Connors, Jr., Senior Director of Planning and Development, telephone number (813)870-8704. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR PROPOSALS IS REQUIRED AT THIS TIME. Subsequent to receiving Letters of Interest, a Request for Proposals will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Proposal Conference will be held on Thursday, September 30, 1999, 10:00 a.m. Local Time, at the office of Hillsborough County Aviation Authority located in the Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Proposals.

Replies to this Notice must be received at or before 5:00 p.m., Local Time, September 15, 1999.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: \_\_\_\_\_

Louis E. Miller, Executive Director

**MIAMI-DADE EXPRESSWAY AUTHORITY**

**NOTICE TO DESIGN-BUILD FIRMS  
REQUEST FOR LETTERS OF INTEREST**

The Miami-Dade Expressway Authority (“MDX”) is seeking the services of a design-build firm or team of firms (“Firm”) with the necessary expertise to provide design and construction associated with the auxiliary lane widening of SR 836 from N. W. 107th Avenue to N. W. 87th Avenue, MDX Project No. 836-007 (the “Project”).

FEDERAL AND STATE DEBARMENT: By signing and submitting a Letter of Interest, the Firm certifies that no principal (which includes officers, directors, or executives) is presently suspended, proposed for debarment, declared

ineligible or voluntarily excluded from participation in this transaction by and Federal or State of Florida Department or Agency.

**SYSTEM:** The Miami-Dade Expressway System is comprised of State Road 112, State Road 836, State Road 874, State Road 878 and State Road 924.

**WORK DESCRIPTION:** The Firm will provide design-build services for the auxiliary lane widening of SR 836 from N. W. 107th Avenue to N. W. 87th Avenue. The Project includes the addition of an auxiliary lane in both directions (westbound and eastbound) on SR 836 between the Project limits and additional eastbound to northbound left turn lane at the intersection of N. W. 87th Avenue and the SR 836 eastbound off ramp.

**NATURE OF THE PROPOSED WORK AND SCOPE OF SERVICES:** Work anticipated under this agreement may consist of any of the following:

The Florida Department of Transportation has, through the SR 836 Multimodal Corridor Study, identified improvements to the area in question. MDX will provide the design-build firm with design information, including design surveys, geotechnical information and pavement design to a level which the design-build firm can use towards final design and construction of the Project. The selected design-build firm will verify the information provided by MDX, design and construct the Project. This is a high priority work item for MDX, and the work schedule requires completion of the Project within nine (9) months of the Notice to Proceed.

**SELECTION PROCEDURE:** At least three firms will be shortlisted and requested to provide written technical proposals based on the Scope of Services contained in the Request For Proposals to be issued by MDX.

**RESPONSE PROCEDURE:** Qualified firms are encouraged to submit a Letter of Interest to MDX. Two original Letters of Interest **MUST** be received by the Miami-Dade County Expressway Authority, 3790 N. W. 21 Street, Miami, Florida 33412, Attn: Samuel E. Gonzalez, P. E., Chief Engineer, by Wednesday, September 22, 1999, by 12:00 noon, Eastern Time (the "Deadline Date").

After reviewing the documentation submitted, MDX will notify all firms in writing by Friday, October 8, 1999, if they have been shortlisted and will mail one (1) copy of the Request For Proposal to each shortlisted firm.

**NOTE:** In order to be shortlisted and invited to submit a proposal, a firm submitting a Letter of Interest must satisfy all of the following specific requirements/criteria.

**SUBMITTAL OF LETTER OF INTEREST:** The Letter of Interest shall be in writing, submitted on the letterhead of the Firm and shall not exceed three (3) pages in length exclusive of attachments. Two originals shall be submitted. The Letter of Interest **MUST** include at a minimum the information set out in the Criteria.

**CRITERIA:** The Letter of Interest shall contain the following information:

1. Project name.
2. Firm's name and address.
3. Documentation acceptable to MDX that the Firm's contractor is prequalified under Rule 14-22, Florida Administrative Code in the following types of work: Grading; Hot Plant-Mix Bituminous Structural and Surface Courses; Flexible Pavement; Drainage; and Guardrail.
4. Documentation acceptable to MDX that the Firm involved in this professional service, as identified in Section 287.055, Florida Statutes, is prequalified under Rule 14-75, Florida Administrative Code for Major Highway Design.
5. Proposed responsible officer for the Firm.
6. Contact person, phone number, fax number and Internet Email address. The contact person shall be a single person who can be contacted to discuss contents or questions regarding reference, listed projects, or other matters contained in the Letter of Interest.
7. Proposed key personnel and their proposed roles (do not include resumes).
8. Sub-consultant(s) that may be used for the project.
9. Indication as to whether the primary firm and/or sub-consultants are disadvantaged business enterprises (DBE).
10. An estimate of the Firm's current workload and available resources.
11. A list of similar projects completed **NOT EARLIER THAN** January 1, 1994, with references and phone numbers.

**COMMUNICATION:** Communications between any respondent and any member of MDX or its staff is strictly prohibited from the date of publication of the Request for Letter of Interest through the date of final MDX action with respect to the selection of the Firm or Joint Venture. The only exception to this is any communication at a publicly noticed meeting of MDX or its Operations Committee. Any violation of the requirements set forth in this paragraph shall constitute grounds for immediate and permanent disqualification of the offending respondent.

**DISADVANTAGED BUSINESS ENTERPRISES PROGRAM:** MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX encourages small, minority and woman owned business to have full opportunity to submit bids in response to Solicitation Documents issued by MDX, and bidders will not be discriminated against on the basis of sex, race, color,



national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain and M/WMBE participation of twenty-five percent (25%) for the aggregate of its projects.

**MDX RESERVES THE RIGHT TO REJECT ANY OR ALL LETTERS OF INTEREST RECEIVED.**

**NOTICE TO DESIGN-BUILD FIRMS  
REQUEST FOR LETTERS OF INTEREST**

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a design-build firm or team of firms ("Firm") with the necessary expertise to provide design and construction associated with the auxiliary lane widening of SR 836 from N. W. 72nd Avenue to N. W. 57th Avenue, MDX Project No. 836-010 (the "Project").

**FEDERAL AND STATE DEBARMENT:** By signing and submitting a Letter of Interest, the Firm certifies that no principal (which includes officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by and Federal or State of Florida Department or Agency.

**SYSTEM:** The Miami-Dade Expressway System is comprised of State Road 112, State Road 836, State Road 874, State Road 878 and State Road 924.

**WORK DESCRIPTION:** The Firm will provide design-build services for the auxiliary lane widening of SR 836 from NW 72nd Avenue to N. W. 57th Avenue. The Project includes the addition of an auxiliary lane in the eastbound direction on SR 836 between N. W. 72nd Avenue and N. W. 57th Avenue.

**NATURE OF THE PROPOSED WORK AND SCOPE OF SERVICES:** Work anticipated under this agreement may consist of any of the following:

The Florida Department of Transportation has, through the SR 836 Multimodal Corridor Study, identified improvements to the area in question. MDX will provide the design-build firm with design information, including design surveys, geotechnical information and pavement design to a level which the design-build firm can use towards final design and construction of the Project. The selected design-build firm will verify the information provided by MDX, design and construct the Project. This is a high priority work item for MDX, and the work schedule requires completion of the Project within nine (9) months of the Notice to Proceed.

**SELECTION PROCEDURE:** At least three firms will be shortlisted and requested to provide written technical proposals based on the Scope of Services contained in the Request For Proposals to be issued by MDX..

**RESPONSE PROCEDURE:** Qualified firms are encouraged to submit a Letter of Interest to MDX. Two original Letters of Interest MUST be received by the Miami-Dade County Expressway Authority, 3790 N. W. 21 Street, Miami, Florida

33412, Attn: Samuel E. Gonzalez, P.E., Chief Engineer, by Wednesday, September 22, 1999, by 12:00 noon, Eastern Time (the "Deadline Date").

After reviewing the documentation submitted, MDX will notify all firms in writing by Friday, October 8, 1999, if they have been shortlisted and will mail one (1) copy of the Request For Proposal to each shortlisted firm.

**NOTE:** In order to be shortlisted and invited to submit a proposal, a firm submitting a Letter of Interest must satisfy all of the following specific requirements/criteria.

**SUBMITTAL OF LETTER OF INTEREST:** The Letter of Interest shall be in writing, submitted on the letterhead of the Firm and shall not exceed three (3) pages in length exclusive of attachments. Two originals shall be submitted. The Letter of Interest MUST include at a minimum the information set out in the Criteria.

**CRITERIA:** The Letter of Interest shall contain the following information:

1. Project name.
2. Firm's name and address.
3. Documentation acceptable to MDX that the Firm's contractor is prequalified under Rule 14-22, Florida Administrative Code in the following types of work: Grading; Hot Plant-Mix Bituminous Structural and Surface Courses; Flexible Pavement; Drainage; and Guardrail.
4. Documentation acceptable to MDX that the Firm involved in this professional service, as identified in Section 287.055, Florida Statutes, is prequalified under Rule 14-75, Florida Administrative Code for Major Highway Design.
5. Proposed responsible officer for the Firm.
6. Contact person, phone number, fax number and Internet Email address. The contact person shall be a single person who can be contacted to discuss contents or questions regarding reference, listed projects, or other matters contained in the Letter of Interest.
7. Proposed key personnel and their proposed roles (do not include resumes).
8. Sub-consultant(s) that may be used for the project.
9. Indication as to whether the primary firm and/or sub-consultants are disadvantaged business enterprises (DBE).
10. An estimate of the Firm's current workload and available resources.
11. A list of similar projects completed NOT EARLIER THAN January 1, 1994, with references and phone numbers.

**COMMUNICATION:** Communications between any respondent and any member of MDX or its staff is strictly prohibited from the date of publication of the Request for Letter of Interest through the date of final MDX action with respect to the selection of the Firm or Joint Venture. The only exception to this is any communication at a publicly noticed meeting of MDX or its Operations Committee. Any violation

of the requirements set forth in this paragraph shall constitute grounds for immediate and permanent disqualification of the offending respondent.

**DISADVANTAGED BUSINESS ENTERPRISES PROGRAM:** MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX encourages small, minority and woman owned business to have full opportunity to submit bids in response to Solicitation Documents issued by MDX, and bidders will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain and M/WMBE participation of twenty-five percent (25%) for the aggregate of its projects.

**MDX RESERVES THE RIGHT TO REJECT ANY OR ALL LETTERS OF INTEREST RECEIVED.**

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**SECURITIES GUARANTY FUND PAYMENTS**

The State of Florida, Department of Banking and Finance, Division of Securities and Investor Protection, pursuant to Section 517.1203, Florida Statutes (1998), has entered a Notice of Intent to Issue a Final Order which may Grant or Deny a Claim for Payment from the Securities Guaranty Fund regarding GIC Government Securities, Inc. Those persons whose substantial interests may be determined by the proceeding, including settlements, grants or denials, are advised that they may request a hearing concerning the Notice of Intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 28-106.104, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice.

Petitions shall be filed with: Clerk, Department of Banking and Finance, Suite 526, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

In deference to the rights of substantially affected persons, the Department will not settle or otherwise reach a final resolution of these matters for a period of twenty-one (21) days from the date of this publication.

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application. 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., September 24, 1999):

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Bay Gulf Credit Union (Post Office Box 271990), 2701 West Busch Blvd., Suite 200, Tampa, Florida 33618

Expansion Includes: Employees of R.L. & T. Enterprises, Inc., d/b/a Global Outsourcing, who work in New York, Virginia, North Carolina, Florida and Texas or are paid through Bonita Springs, Florida; and the homeowners of the association, Largo Vista Homeowners Association located in Tampa, Florida 33614.

Received: August 24, 1999

Correspondent and Telephone Number: John Simmonds, Treasurer, (813)932-1301

**NOTICE OF MEETING**

**COMPTROLLER'S AND TREASURER'S WORKING GROUP ON GOVERNMENTAL REORGANIZATION**

**DEPARTMENT OF INSURANCE**

**DEPARTMENT OF BANKING AND FINANCE**

The Department of Insurance and the Department of Banking and Finance announce the following workshop to which all persons are invited:

**TIME AND DATE:** September 21, 1999, 1:30 p.m. – 4:30 p.m.

**PLACE:** Florida International University, North Campus, 3000 N. E. 151 Street, Kovens Conference Center, Room 214-A, North Miami, Florida

The purpose of the workshop is to solicit public input into proposals for organizational alignment of the regulatory functions assigned to the Treasurer and Comptroller (e.g.; the Department of Insurance and the Department of Banking and Finance) as a result of a 1998 Constitutional Amendment.

The following is the proposed agenda:

1) Call to Order; 2) summary of Proposals; 3) Public Comments; 4) Close.

Further information concerning the workshop can be obtained by contacting: David Rodriguez, Department of Insurance, PL 11, The Capitol, Tallahassee, FL 32399-0300, (850)413-2822 or Linda Charity, Department of Banking and Finance, 101 East Gaines Street, Suite 636, Tallahassee, FL 32399-0350, (850)410-9510. Also, please advise one of the above persons by September 10, 1999, if you wish to speak at the workshop.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to attend this workshop is requested to advise the Departments at least 5 calendar days before the workshop by contacting one of the above persons.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**NOTICE OF EVALUATION AND APPRAISAL REPORT (EAR) SCHEDULE 2002 – 2010**

Notice is hereby given to the to public that the Department of Community Affairs has finalized the Evaluation and Appraisal Report (EAR) Schedule for submittal of adopted EAR reports for the years 2002 through 2010 pursuant to Section 163.3191(9), Florida Statutes. The schedule is available upon request by contacting Ray Eubanks, Community Program Administrator, Department of Community Affairs, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. The schedule is also available electronically on the Department of Community Affairs web site at <http://www.dca.state.fl.us/fdcp/DCP/Resources/index.htm>.

**IN RE: CITY OF KEY COLONY BEACH LAND DEVELOPMENT REGULATION ADOPTED BY ORDINANCE NO. 1999-328 (Rezoning, Two Dwelling Unit R-2A to Public Recreation)**

**FINAL ORDER APPROVING LAND DEVELOPMENT REGULATION**

The Department of Community Affairs (Department) hereby issues its Final Order pursuant to Sections 380.05(6) and 380.0552(9) Florida Statutes (1997) (Fla. Stat.), which require the Department to enter a Final Order approving or rejecting Key Colony Beach land development regulations.

**FINDINGS OF FACT**

1. The Department received for review on July 13, 1999, Key Colony Beach Ordinance 1999-328 which was adopted by the City Commission on July 8, 1999. Ordinance 1999-328 is adopted to implement a change to the Future Land Use Map (FLUM) in the City’s Comprehensive Plan made by Ordinance 325-1999.

2. Ordinance 325-1999 amended the City’s Comprehensive Plan Future Land Use Map designation of three vacant lots from Two Family Residential to Recreational. The three vacant lots are described as Lots 4, 5 and 6, Block 1-A, Key Colony Beach Subdivision, Key Colony Beach, Florida. For consistency with the amendment to the City’s FLUM, Ordinance 1999-328 changes the zoning designation in the land development regulations of the three lots from R-2A to Public Recreation (PR) to allow for public recreational use of the property.

3. The Department has reviewed the land development regulations in Ordinance 1999-328 for consistency with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern.

4. Key Colony Beach Ordinance 1999-328 recites that: City residents and park system users have indicated a continuing desire for public park facilities on the east side of the island since the closest similar site is more than 1/2 mile away. It was only recently that a suitable site was offered to the City for purchase.

5. Ordinance 328-1999 also recites under Findings of Fact 2 and 3 that:

2. The proposed addition of land to the City’s park plan and open space inventory will help ensure maintaining an adequate level of service consistent with Policy 1.2.6 of the Key Colony Beach 1990 Comprehensive Plan.

3. Policy 1.1.3 of the Key Colony Beach 1990 Comprehensive Plan specifies public open space and landscaping projects be given a priority since such capital improvements will enhance the community’s quality of life.

**CONCLUSIONS OF LAW**

6. The City of Key Colony Beach is a “local government” within the Florida Keys Area of Critical State Concern. Section 380.0552, Fla. Stat. (1997)

7. Section 380.031(8), Fla. Stat., defines “land development regulation” as including local zoning, subdivision, building and other regulations controlling the development of land. The rezoning adopted by Key Colony Beach Ordinance 1999-328 is a “land development regulation.”

8. The Department is required to approve or reject land development regulations adopted in Areas of Critical State Concern in a final order. Section 380.05(6), Fla. Stat. The Department’s approval or rejection shall be based upon whether the regulations are consistent with the Principles for Guiding Development as a whole as set forth within Section 380.0552(9), Fla. Stat.

9. Section 380.0552(9), Fla. Stat., requires the Department to approve or reject a Key Colony Beach land development regulation within sixty (60) days of receipt of the regulation. This Final Order is issued within the 60-day time limit as required by statute.

10. The proposed rezoning is consistent with the Principles for Guiding Development, and specifically consistent with Principles (a), strengthening local government's capabilities for managing land use and development, and (h) protecting the value of existing and proposed major public investments, including recreational facilities. The remaining Principles are not affected.

11. The land development regulation adopted by Ordinance 1999-328 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that the land development regulation adopted by Key Colony Beach Ordinance 1999-328 is consistent with the Principles for Guiding Development and is therefore APPROVED. This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED this 25th day of August, 1999, in Tallahassee, Florida.

/s/ J. THOMAS BECK

J. Thomas Beck, Director, Division of Community Planning, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL

ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

**NOTICE OF FUNDING AVAILABILITY (NOFA)**

The Department of Community Affairs, Florida Energy Office announces funding availability for Federal Fiscal Year 2000 under the State Energy Program to eligible applicants. The funding cycle for all program categories will open on August 16, 1999 and close at 5:00 p.m. on September 13, 1999.

Up to \$800,000 is available for an award to eligible applicants to carry out eligible activities.

Category	FY00 Funds Available
Renewable Resources	
1) Solar	Up to \$500,000
2) Biomass/Agriculture	Up to \$300,000

Eligible activities for solar are limited to utility interactive systems and proposals for aiding the commercialization of solar energy technology by establishing performance criteria. Eligible activities for biomass/agriculture are limited to projects that promote the recovery of energy from waste, the use of agriculture products/crops as a source of energy and nutrient/water management. Projects will not exceed two years in duration.

Proposal guidelines may be obtained by contacting program manager listed below. Proposals may be either hand delivered or sent by U.S. Mail or other licensed carrier and must be received by the: Florida Energy Office, Division of Housing and Community Development, Department of Community Affairs, Room Number 215.07, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by 5:00 p.m. on September 13, 1999. No waiver of the deadline date will be allowed. Proposals which do not meet the established deadline will not be eligible for evaluation, and will be returned to the applicant.

For further information, interested parties should contact Jim Tatum for solar projects and Ed Cobham for Biomass/Agriculture, (850)488-2475. Interested parties may also address inquiries to the: Florida Energy Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100. Unsolicited proposals previously submitted must be resubmitted specifying the category for evaluation.

A NOFA for alternatively fueled vehicles will be issued later during the year, once recommendations have been received from the Clean Fuel Florida Advisory Board.

**NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS**

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, P56, P7A, and P8A funding cycles. The project plans were reviewed in accordance with Rule 9K-4.011, FAC, at its August 30, 1999, meeting by the Trust governing body, which authorized that the project plans be approved, that the Chair execute the

agreements for acquisition of the project sites and all other documents necessary to close the projects and that funds be released as follows:

- Project: 95-014-P56/Jones Swamp Wetlands Preserve  
Grantee: Escambia County  
Amount of Approved Funds: the lesser of 50% of the final total project costs or \$609,383.66
- Project: 95-015-P56/Wallace Brooks/Lake Henderson  
Grantee: City of Inverness  
Amount of Approved Funds: the lesser of 100% of the final total project costs or \$933,735.00
- Project: 95-052-P56/Indrio North Savannahs  
Grantee: St. Lucie County  
Amount of Approved Funds: the lesser of 50% of the final total project costs or \$1,175,000.00
- Project: 96-034-P7A/Holmes Creek Boat Ramp  
Grantee: Washington County  
Amount of Approved Funds: the lesser of 100% of the final total project costs or \$73,200.00, contingent on final approval of management plan by FCT staff.
- Project: 96-039-P7A/Green Springs  
Grantee: Volusia County  
Amount of Approved Funds: the lesser of 90% of the final total project costs or \$571,564.57
- Project: 98-026-P8A/Oyster Creek Park  
Grantee: Charlotte County  
Amount of Approved Funds: the lesser of 90% of the final total project costs or \$2,406,411.00, contingent on final approval of management plan by FCT staff.
- Project: 98-044-P8A/Oceanfront Wildlife and Habitat Preservation  
Grantee: City of Satellite Beach  
Amount of Approved Funds: the lesser of 99.80% of the final total project costs or \$5,000,000.00, contingent on final approval of management plan by FCT staff.
- Project: 98-046-P8A/Sunny Isles Beach Oceanfront Park  
Grantee: City of Sunny Isles Beach  
Amount of Approved Funds: the lesser of 40% of the final total project costs or \$2,216,000.00, contingent on final approval of management plan by FCT staff.
- Project: 98-057-P8A/Harmony Oaks  
Grantee: Indian River County  
Amount of Approved Funds: the lesser of 50% of the final total project costs or \$155,550.00, contingent on final approval of management plan by FCT staff.
- Project: 98-066-P8A/Hungryland Slough Tract-Bee Line Corridor Natural Area  
Grantee: Palm Beach County  
Amount of Approved Funds: the lesser of 50% of the final total project costs or \$1,695,156.00, contingent on final approval of management plan by FCT staff.

**NOTICE OF ADMINISTRATIVE HEARING RIGHTS**

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 9K-1.008, FAC. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Triumph Motorcycles America Limited, intends to allow the establishment of Bill Lennon's Cycle World, Inc. d/b/a Bill Lennon's Suzuki, as a dealership for the sale of Triumph

motorcycles and associated parts and accessories, at 2630 U. S. 1 South, St. Augustine (St. Johns County), Florida 32086, on or after August 13, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Bill Lennon's Cycle World, Inc. d/b/a Bill Lennon's Suzuki is Mr. William J. Lennon, Sr., 27 Dolphin Drive, St. Augustine, Florida 32084.

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: Mr. Chris W. Lacey, Chief Financial Officer, Triumph Motorcycles America Limited, 403 Dividend Drive, Peachtree City, Georgia 30269.

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, Hino Diesel Trucks (U.S.A.), Inc., intends to allow the establishment of EM Sil Enterprises, Inc. d/b/a Tri County Truck & Equipment, as a dealership for the sale of Hino trucks, at 1440 N. Powerline Road, Pompano Beach (Broward County), Florida 33069, on or after September 17, 1999.

The name and address of the dealer operator(s) and principal investor(s) of EM Sil Enterprises, Inc. d/b/a Tri County Truck & Equipment are: Michael Silveri, 10601 Maple Chase Drive, Boca Raton, Florida 33498. Michael Friscaro, 9700 N. W. 1st Manor, Coral Springs, Florida 33071.

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: Mr. Marion L. Priestley, Regional Manager, Hino Diesel Trucks (U.S.A.), Inc., 25 Corporate Drive, Orangeburg, NY 10962-2626.

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 RECEIPT OF PETITION

##### THE FLEMING ISLAND PLANTATION COMMUNITY DEVELOPMENT DISTRICT

On July 1, 1999, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Fleming Island Plantation Community Development District (the "District"). The Commission will follow the requirements of Rule Chapter 42-1, Florida Administrative Code (FAC), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

**SUMMARY OF CONTENTS OF PETITION:** The petition filed by Centex Homes requests that the Commission establish a community development district located in Clay County, Florida. The land area proposed to be served by the District comprises approximately 1,580 acres. The proposed District is located on Fleming Island entirely within the unincorporated area of Clay County, generally located just south of County Road 220 and west of U.S. 17. The proposed community within the District has been approved as the Fleming Island Plantation Development of Regional Impact. The development plan for the District currently includes land-uses consisting of single and multi-family residential, retail, light industrial/office, in addition to various park and recreational facilities. The property has a projected development build-out date of December 31, 2012. The District, if established, will be asked to provide infrastructure that will consist of water management, water supply, sewer, wastewater management, bridges or culverts, roads and street lights, common area landscaping, parks and recreational facilities, security facilities, mosquito control, amenity center, community buildings and certain other projects when expressly approved or required by a local government.

**SUMMARY OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the

SERC is contained as Exhibit 11 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule or who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated affect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the establishment of the District would place all the current residents and future property owners under the jurisdiction of the District. These individuals will be affected to the extent that the District issues debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure. Under section (b), the FLWAC and State of Florida will incur minimal one-time administrative costs to implement and enforce the proposed rule. Clay County will also incur one-time administrative costs which are offset by the required filing fee paid to the County by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not create any significant economic costs for the State or Clay County. Addressing section (c), the District will levy non-ad valorem special assessments on properties within its boundaries to finance the construction of the infrastructure that the District funds, and to defray the costs of operating and maintaining the infrastructure and associated community systems, facilities and services. In considering the costs which must be paid for by those affected by the proposed rule, there are benefits that should be noted. These individuals can expect to receive a higher level of services because they will elect the members of the District's Board of Supervisors. Because this governmental entity is limited in jurisdiction and responsibility to this single development, the District should be responsive to the needs of the property owners with the District. Under section (d), approval of the petition to establish the Fleming Island Plantation Community Development District (CDD) will have only incidental or a positive impact on small businesses and will not have any impact on small counties and cities. Clay County is not a small county as defined. Under section (e) certain data utilized in the SERC was provided by the developer/petitioner and represents the best information available at this time. Other data was provided by Rizzetta &

Company and was based on observations, analysis and experience with private development and other CDDs in various stages of existence.

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

TIME AND DATE: 10:00 a.m., Thursday, October 21, 1999  
 PLACE: City Hall Annex, 15th Floor Committee Room, 220 East Bay Street, Jacksonville, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Susan McDonald, (904)346-5587, at least 5 business days in advance to make appropriate arrangements.

COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING: Susan McDonald, Esquire, Rogers, Towers, Bailey, Jones & Gay, P. A., 1301 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207, telephone number (904)346-5587 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Planning and Budgeting, Executive Office of the Governor, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone number (850)488-7793.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED  
 LETTERS OF INTENT**

The Agency For Health Care Administration received and accepted the following letters of intent for the September 15, 1999 application filing date for the hospital batching cycle:

- County: Escambia District: 1  
 Date Filed: August 13, 1999 LOI#: H990801  
 Facility/Project: Baptist Hospital  
 Applicant: Baptist Hospital, Inc.  
 Project Description: Establish up to a 10 bed Level II NICU
- County: Walton District: 1  
 Date Filed: August 13, 1999 LOI#: H990802  
 Facility/Project: Sacred Heart Hospital of Pensacola  
 Applicant: Sacred Heart Hospital of Pensacola  
 Project Description: Construct a new acute care hospital of up to 60 beds
- County: Bay District: 2  
 Date Filed: August 16, 1999 LOI#: H990803  
 Facility/Project: Gulf Coast Medical Center  
 Applicant: Bay Hospital, Inc.  
 Project Description: Add up to 22 inpatient CMR beds through conversion and/or delicensure of up to 22 acute care beds and/or hospital-based SNF beds
- County: Bay District: 2  
 Date Filed: August 11, 1999 LOI#: H990804  
 Facility/Project: HealthSouth Emerald Coast Rehabilitation Hospital  
 Applicant: Lakeshore System Services of Florida, Inc.

- Project Description: Add up to five comprehensive medical rehabilitation beds  
 County: Leon District: 2  
 Date Filed: August 16, 1999 LOI#: H990805  
 Facility/Project: Big Bend Hospice  
 Applicant: Big Bend Hospice, Inc.  
 Project Description: Establish up to a 12 bed freestanding hospice facility
- County: Alachua District: 3  
 Date Filed: August 16, 1999 LOI#: H990806  
 Facility/Project: Pycomm, Inc.  
 Applicant: Pycomm, Inc.  
 Project Description: Establish a Medicare certified home health agency
- County: Citrus District: 3  
 Date Filed: August 12, 1999 LOI#: H990807  
 Facility/Project: Citrus Memorial Hospital  
 Applicant: Citrus Memorial Health Foundation, Inc.  
 Project Description: Establish an adult open heart surgery program
- County: Citrus District: 3  
 Date Filed: August 16, 1999 LOI#: H990808  
 Facility/Project: Seven Rivers Community Hospital  
 Applicant: Tenet HealthSystem Hospitals, Inc.  
 Project Description: Establish an adult open heart surgery program
- County: Hernando District: 3  
 Date Filed: August 16, 1999 LOI#: H990809  
 Facility/Project: Oak Hill Hospital  
 Applicant: HCA Health Services of Florida, Inc.  
 Project Description: Establish an adult open heart surgery program
- County: Hernando District: 3  
 Date Filed: August 13, 1999 LOI#: H990810  
 Facility/Project: HealthSouth Corporation  
 Applicant: HealthSouth Corporation  
 Project Description: Construct a new freestanding rehabilitation hospital with up to 60 comprehensive medical rehabilitation beds
- County: Hernando District: 3  
 Date Filed: August 13, 1999 LOI#: H990811  
 Facility/Project: Brooksville Regional Hospital  
 Applicant: Hernando HMA, Inc.  
 Project Description: Establish an adult open heart surgery program
- County: Hernando District: 3  
 Date Filed: August 13, 1999 LOI#: H990812  
 Facility/Project: Spring Hill Regional Hospital  
 Applicant: Hernando HMA, Inc.  
 Project Description: Establish up to a 10 bed Level II NICU



County: Lake District: 3  
 Date Filed: August 16, 1999 LOI#: H990813  
 Facility/Project: Hospice of Lake & Sumter  
 Applicant: Hospice of Lake & Sumter, Inc.  
 Project Description: To convert six community Hospice beds to six inpatient Hospice beds

County: Lake District: 3  
 Date Filed: August 16, 1999 LOI#: H990814  
 Facility/Project: Hospice of Lake & Sumter  
 Applicant: Hospice of Lake & Sumter, Inc.  
 Project Description: Construct up to 12 inpatient Hospice beds in a residential setting

County: Levy District: 3  
 Date Filed: August 16, 1999 LOI#: H990815  
 Facility/Project: Jacqueline T. Alexander  
 Applicant: Jacqueline T. Alexander  
 Project Description: Establish a Medicare certified home health agency

County: Marion District: 3  
 Date Filed: August 16, 1999 LOI#: H990816  
 Facility/Project: Marion Community Hospital  
 Applicant: Marion Community Hospital, Inc.  
 Project Description: Construct up to a 75 bed acute care hospital through delicensure of up to 75 acute care beds at Ocala Reg. Med. Ctr. and/or CON modification

County: Marion District: 3  
 Date Filed: August 16, 1999 LOI#: H990817  
 Facility/Project: Munroe Regional Medical Center  
 Applicant: Munroe Regional Health System, Inc.  
 Project Description: Add up to 52 acute care beds

County: Lake District: 3  
 Date Filed: August 16, 1999 LOI#: H990818  
 Facility/Project: Florida Hospital-Waterman  
 Applicant: Florida Hospital-Waterman, Inc.  
 Project Description: Replace and relocate the existing facility

County: Duval District: 4  
 Date Filed: August 16, 1999 LOI#: H990819  
 Facility/Project: A.H.P. Home Health Care, Inc.  
 Applicant: A.H.P. Home Health Care, Inc.  
 Project Description: Establish a Medicare certified home health agency

County: Duval District: 4  
 Date Filed: August 16, 1999 LOI#: H990820  
 Facility/Project: Pycomm, Inc.  
 Applicant: Pycomm, Inc.  
 Project Description: Establish a Medicare certified home health agency

County: Duval District: 4  
 Date Filed: August 16, 1999 LOI#: H990821  
 Facility/Project: Shands Jacksonville

Applicant: Shands Jacksonville Medical Center  
 Project Description: Add 11 Level II NICU beds through conversion of 11 Level III NICU beds

County: Duval District: 4  
 Date Filed: August 13, 1999 LOI#: H990822  
 Facility/Project: St. Luke's Hospital  
 Applicant: St. Luke's Hospital Association  
 Project Description: Establish an adult heart transplantation program

County: Duval District: 4  
 Date Filed: August 13, 1999 LOI#: H990823  
 Facility/Project: St. Luke's Hospital  
 Applicant: St. Luke's Hospital Association  
 Project Description: Establish an adult kidney transplantation program

County: Duval District: 4  
 Date Filed: August 13, 1999 LOI#: H990824  
 Facility/Project: St. Luke's Hospital  
 Applicant: St. Luke's Hospital Association  
 Project Description: Establish an adult lung transplantation program

County: Clay District: 4  
 Date Filed: August 13, 1999 LOI#: H990825  
 Facility/Project: Orange Park Medical Center  
 Applicant: Orange Park Medical Center, Inc.  
 Project Description: To convert 16 hospital-based skilled nursing beds to 16 acute care beds

County: Duval District: 4  
 Date Filed: August 13, 1999 LOI#: H990826  
 Facility/Project: Beaches Medical Center  
 Applicant: Baptist Medical Center of the Beaches, Inc.  
 Project Description: Add eight acute care beds to Beaches Medical Center through the transfer of eight acute care beds from Baptist Medical Center

County: Volusia District: 4  
 Date Filed: August 16, 1999 LOI#: H990827  
 Facility/Project: Halifax Medical Center  
 Applicant: Halifax Hospital Medical Center  
 Project Description: To convert 28 hospital-based skilled nursing beds to 28 acute care beds

County: Volusia District: 4  
 Date Filed: August 16, 1999 LOI#: H990828  
 Facility/Project: Memorial Health Systems, Inc.  
 Applicant: Memorial Health Systems, Inc.  
 Project Description: Construct up to a 75 bed acute care hospital

County: Volusia District: 4  
 Date Filed: August 16, 1999 LOI#: H990829  
 Facility/Project: Memorial Hospital-Port Orange, Inc.  
 Applicant: Memorial Hospital-Port Orange, Inc.

Project Description: Construct up to a 75 bed acute care hospital  
 County: Volusia District: 4  
 Date Filed: August 16, 1999 LOI#: H990830  
 Facility/Project: Memorial Hospital – South, L.L.C.  
 Applicant: Memorial Hospital – South, L.L.C.  
 Project Description: Construct up to a 75 bed acute care hospital  
 County: Hillsborough District: 6  
 Date Filed: August 16, 1999 LOI#: H990831  
 Facility/Project: Brandon Regional Hospital  
 Applicant: Galencare, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Hillsborough District: 6  
 Date Filed: August 16, 1999 LOI#: H990832  
 Facility/Project: Pycomm, Inc.  
 Applicant: Pycomm, Inc.  
 Project Description: Establish a Medicare certified home health agency  
 County: Hillsborough District: 6  
 Date Filed: August 16, 1999 LOI#: H990833  
 Facility/Project: Visiting Nurse Association of Florida, Inc.  
 Applicant: Visiting Nurse Association of Florida, Inc.  
 Project Description: Establish a Medicare certified home health agency  
 County: Polk District: 6  
 Date Filed: August 16, 1999 LOI#: H990834  
 Facility/Project: Heart of Florida Regional Medical Center  
 Applicant: Haines City HMA, Inc.  
 Project Description: Add up to 30 acute care beds  
 County: Manatee District: 6  
 Date Filed: August 16, 1999 LOI#: H990835  
 Facility/Project: Manatee Memorial Hospital, L.P.  
 Applicant: Manatee Memorial Hospital, L.P.  
 Project Description: Establish a 120 bed acute care hospital through relocation of 120 acute care beds at Manatee Memorial Hospital  
 County: Brevard District: 7  
 Date Filed: August 13, 1999 LOI#: H990836  
 Facility/Project: Devereux Hospital & Children's Center of Florida  
 Applicant: The Devereux Foundation, Inc.  
 Project Description: Add 30 intensive residential treatment beds for children and adolescents  
 County: Orange District: 7  
 Date Filed: August 16, 1999 LOI#: H990837  
 Facility/Project: Orlando Regional Medical Center  
 Applicant: Orlando Regional Healthcare System, Inc.

Project Description: To convert up to 29 skilled nursing beds to up to 29 acute care beds  
 County: Charlotte District: 8  
 Date Filed: August 04, 1999 LOI#: H990838  
 Facility/Project: Adults & Children Home Care, Inc.  
 Applicant: Adults & Children Home Care, Inc.  
 Project Description: Establish a Medicare certified home health agency  
 County: Collier District: 8  
 Date Filed: August 13, 1999 LOI#: H990839  
 Facility/Project: North Collier Hospital  
 Applicant: Naples Community Hospital, Inc.  
 Project Description: Add up to 10 Level II NICU beds  
 County: Lee District: 8  
 Date Filed: August 13, 1999 LOI#: H990840  
 Facility/Project: Hope Hospice and Palliative Care  
 Applicant: H.O.P.E. of Lee County, Inc.  
 Project Description: Construct up to a 24 bed freestanding inpatient hospice facility  
 County: Sarasota District: 8  
 Date Filed: August 13, 1999 LOI#: H990841  
 Facility/Project: Englewood Community Hospital  
 Applicant: Englewood Community Hospital, Inc.  
 Project Description: Convert 10 hospital-based skilled nursing beds to 10 acute care beds  
 County: Indian River District: 9  
 Date Filed: August 13, 1999 LOI#: H990842  
 Facility/Project: Indian River Memorial Hospital  
 Applicant: Indian River Memorial Hospital, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Indian River District: 9  
 Date Filed: August 16, 1999 LOI#: H990843  
 Facility/Project: VNA Hospice of Indian River County  
 Applicant: VNA Hospice of Indian River County, Inc.  
 Project Description: To convert up to six hospice residential beds to up to six hospice inpatient beds  
 County: Palm Beach District: 9  
 Date Filed: August 16, 1999 LOI#: H990844  
 Facility/Project: Good Samaritan Hospital  
 Applicant: Good Samaritan Hospital, Inc.  
 Project Description: Establish an adult open heart surgery program  
 County: Martin District: 9  
 Date Filed: August 16, 1999 LOI#: H990845  
 Facility/Project: SandyPines Hospital  
 Applicant: Sebastian Hospital, Inc.  
 Project Description: Add four intensive residential treatment beds  
 County: Palm Beach District: 9

<p>Date Filed: August 16, 1999                  Facility/Project: St. Mary's Hospital                  Applicant: St. Mary's Hospital, Inc.                  Project Description: Add up to 11 Level II NICU beds through conversion of up to 11 acute care beds                  County: Palm Beach                  Date Filed: August 16, 1999                  Facility/Project: St. Mary's Hospital                  Applicant: St. Mary's Hospital, Inc.                  Project Description: Establish an adult open heart surgery program                  County: Palm Beach                  Date Filed: August 16, 1999                  Facility/Project: St. Mary's Hospital                  Applicant: St. Mary's Hospital, Inc.                  Project Description: Add eight Level III NICU beds through conversion of eight acute care beds                  County: Palm Beach                  Date Filed: August 16, 1999                  Facility/Project: West Boca Medical Center                  Applicant: Tenet HealthSystem Hospitals, Inc.                  Project Description: Add four Level III NICU beds through the conversion of four acute care beds                  County: Palm Beach                  Date Filed: August 13, 1999                  Facility/Project: Wellington Regional Medical Center                  Applicant: Wellington Regional Medical Center, Inc.                  Project Description: Establish up to a 10 bed Level II NICU through conversion of up to 16 substance abuse beds                  County: Okeechobee                  Date Filed: August 16, 1999                  Facility/Project: Columbia Raulerson Hospital                  Applicant: Okeechobee Hospital, Inc.                  Project Description: To convert up to 12 hospital-based skilled nursing beds to up to 12 acute care beds                  County: Palm Beach                  Date Filed: August 16, 1999                  Facility/Project: Boca Raton Community Hospital                  Applicant: Boca Raton Community Hospital, Inc.                  Project Description: Establish an adult open heart surgery program                  County: Palm Beach                  Date Filed: August 16, 1999                  Facility/Project: JFK Medical Center                  Applicant: Columbia/JFK Medical Center                  Project Description: Add up to 20 acute care beds through conversion and/or delicensure of up to 20 HBSN beds                  County: Palm Beach                  Date Filed: August 13, 1999                  Facility/Project: Wellington Regional Medical Center</p>	<p>LOI#: H990846                   District: 9                  LOI#: H990847                   District: 9                  LOI#: H990848                   District: 9                  LOI#: H990849                   District: 9                  LOI#: H990850                   District: 9                  LOI#: H990851                   District: 9                  LOI#: H990852                   District: 9                  LOI#: H990853</p>	<p>Applicant: Wellington Regional Medical Center, Inc.                  Project Description: Add up to six acute care beds through the conversion of up to 16 substance abuse beds                  County: Broward                  Date Filed: August 16, 1999                  Facility/Project: Best Care Agency, Inc.                  Applicant: Best Care Agency, Inc.                  Project Description: Establish a Medicare certified home health agency                  County: Broward                  Date Filed: August 11, 1999                  Facility/Project: HealthSouth Sunrise Rehabilitation Hospital                  Applicant: HealthSouth of Fort Lauderdale L. P.                  Project Description: Add up to 10 comprehensive medical rehabilitation beds                  County: Broward                  Date Filed: August 16, 1999                  Facility/Project: Oasis Home Care, Inc.                  Applicant: Oasis Home Care, Inc.                  Project Description: Establish a Medicare certified home health agency                  County: Broward                  Date Filed: August 16, 1999                  Facility/Project: Memorial Hospital West                  Applicant: South Broward Hospital District                  Project Description: Add up to 36 acute care beds                  County: Broward                  Date Filed: August 16, 1999                  Facility/Project: Memorial Hospital West                  Applicant: South Broward Hospital District                  Project Description: Establish an adult open heart surgery program                  County: Broward                  Date Filed: August 16, 1999                  Facility/Project: United Home Care Services of Broward, Inc.                  Applicant: United Home Care Services of Broward, Inc.                  Project Description: Establish a Medicare certified home health agency                  County: Dade                  Date Filed: August 16, 1999                  Facility/Project: CMS Home Health Agency, Inc.                  Applicant: CMS Home Health Agency, Inc.                  Project Description: Establish a Medicare certified home health agency                  County: Dade                  Date Filed: August 13, 1999                  Facility/Project: Comprehensive Medical Staffing, Inc.                  Applicant: Comprehensive Medical Staffing, Inc.                  Project Description: Establish a Medicare certified home health agency</p>
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County: Dade District: 11  
 Date Filed: August 11, 1999 LOI#: H990863  
 Facility/Project: HealthSouth Rehabilitation Hospital-Miami  
 Applicant: HealthSouth Rehabilitation Hospital  
 Project Description: Add up to 15 comprehensive medical rehabilitation beds  
 County: Dade District: 11  
 Date Filed: August 16, 1999 LOI#: H990864  
 Facility/Project: MACtown, Inc.  
 Applicant: MACtown, Inc.  
 Project Description: Relocation of the existing intermediate care facility to a new site  
 If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 20, 1999 the date the application is scheduled to be deemed complete. Tentative dates for hearings will be published on October 1, 1999.  
 AHCA Purchase Order Number S5900H00396

ID #: 9900326 Issue Date: 8/10/99  
 Facility/Project: JFK Medical Center  
 Applicant: Columbia/JFK Medical Center  
 Project Description: Renovate G.I. suite.  
 Proposed Project Cost: \$600,000 Equipment Cost:  
 County: Alachua District: 3  
 ID #: 9900327 Issue Date: 8/10/99  
 Facility/Project: Shands at AGH  
 Applicant: Shands Teaching Hospital and Clinics, Inc.  
 Project Description: Renovate all finishes and ceiling structures.  
 Proposed Project Cost: \$2,500,000 Equipment Cost:  
 County: Alachua District: 3  
 ID #: 9900328 Issue Date: 8/10/99  
 Facility/Project: Shands at the University of Florida  
 Applicant: Shands Teaching Hospital and Clinics, Inc.  
 Project Description: Renovate the Radiology Department.  
 Proposed Project Cost: \$800,000 Equipment Cost:  
 County: Sarasota District: 8  
 ID #: 9900329 Issue Date: 8/10/99  
 Facility/Project: Bon Secours – Venice Hospital  
 Applicant: Bon Secours – Venice Health Care Corporation  
 Project Description: Renovate the Emergency Care Center.  
 Proposed Project Cost: \$250,000 Equipment Cost:  
 County: Dade District: 11  
 ID #: 9900330 Issue Date: 8/10/99  
 Facility/Project: Westchester General Hospital  
 Applicant: Westchester General Hospital, Inc.  
 Project Description: Renovate the onsite pharmacy.  
 Proposed Project Cost: \$50,000 Equipment Cost:  
 County: St. Lucie District: 9  
 ID #: 9900331 Issue Date: 8/10/99  
 Facility/Project: Lawnwood Regional Medical Center  
 Applicant: Lawnwood Regional Medical Center, Inc.  
 Project Description: Replacement parts for the fire alarm system.  
 Proposed Project Cost: \$225,000 Equipment Cost:  
 County: Dade District: 11  
 ID #: 9900332 Issue Date: 8/10/99  
 Facility/Project: Jackson Memorial Hospital  
 Applicant: Public Health Trust of Dade County  
 Project Description: Add an additional chiller.  
 Proposed Project Cost: \$1,800,000 Equipment Cost:  
 County: Orange District: 7  
 ID #: 9900333 Issue Date: 8/12/99  
 Facility/Project: Health Central  
 Applicant: West Orange Healthcare District  
 Project Description: Establish an adult outpatient diagnostic cardiac catheterization program.  
 Proposed Project Cost: \$3,000,000 Equipment Cost:

CERTIFICATE OF NEED  
 RECEIPT OF EXPEDITED APPLICATIONS

The Agency For Health Care Administration received the following Certificate of Need applications for expedited review:  
 County: Hernando Service District: 3  
 Facility/Project: Spring Hill Regional Hospital  
 Applicant: Hernando HMA, Inc.  
 Project Description: Transfer CON #8896 to Hernando HMA, Inc.  
 AHCA Purchase Order Number S5900H0396.

CERTIFICATE OF NEED  
 EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:  
 County: Bay District: 2  
 ID #: 9900318 Issue Date: 8/11/99  
 Facility/Project: Bay Medical Center  
 Applicant: Bay Medical Center  
 Project Description: Establish a mobile catheterization lab.  
 Proposed Project Cost: \$167,000 Equipment Cost:  
 \$1,004,352  
 County: Bay District: 2  
 ID #: 9900325 Issue Date: 8/9/99  
 Facility/Project: Gulf Coast Medical Center  
 Applicant: Bay Hospital, Inc.  
 Project Description: Renovate ICU room to accept isolation patient.  
 Proposed Project Cost: \$25,000 Equipment Cost:  
 County: Palm Beach District: 9



Any home mortgage lending institution that is a qualified FHA, VA, GNMA, FannieMae, FHLMC or USDA Rural Development (RD) originator and servicer or seller and servicer as required by the program documents and approved as a participant for the Single Family Mortgage Revenue Bond Program interested in receiving an Invitation to Participate in this issue should notify the Corporation by telephone at (850)488-4197, by facsimile (850)414-5479, or in writing to Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Any questions or comments regarding the proposed issuance of bonds should be directed to: Keith Bowers, Program Administrator, (850)488-4197.

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HOME INVESTMENT PARTNERSHIPS PROGRAM  
HOME LOANS

NOTICE OF FUNDING AVAILABILITY

Pursuant to Federal Regulations 24 CFR Part 92 and Rule Chapter 67-47, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") will make available HOME Loans to low-income persons to assist in purchasing affordable housing by reducing the amount of down payment and closing costs by offering zero percent interest, non-amortizing, deferred second mortgage loans. In accordance with Rule Chapter 67-47, up to \$2,000,000 of State of Florida HOME allocation, may be made available in the form of second mortgage loans. HOME Loan funds may be used with the Florida Housing Finance Corporation's Single Family Mortgage Revenue Bond (SFMRB) Program.

HOME Loans will be made available through participating lending institutions eligible to originate first mortgages under the Florida Housing Finance Corporation's SFMRB Program. Participating lending institutions will make HOME Loan funds available on a first-come, first-served basis to eligible, low-income, first-time home buyers qualifying for a first mortgage under the Corporation's SF MRB Program. Applications for such loans may be obtained from the participating lending institutions.

HOME Loans must comply with Rule Chapter 67-47, FAC and Federal Regulations 24 CFR Part 92. A list of participating lending institutions is anticipated to be available by October 4, 1999. For more information, a list of participating lending institutions, or a copy of the administrative rules governing the Program, contact Keith Bowers, HOME Program Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or call at (850)488-4197.

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NOTICE OF FUNDS AVAILABILITY

FLORIDA HOME OWNERSHIP ASSISTANCE PROGRAM  
Pursuant to Section 420.5088, Florida Statutes, and Rule Chapter 67-29, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") announces

its intention to provide up to \$4,000,000 for qualified mortgage loans for down payment assistance and/or permanent loans under the Florida Home Ownership Assistance Program. The loans will be made in conjunction with the Corporation's Single Family Mortgage Revenue Bond Program. Access to these funds will be made available through qualified lending institutions selected to participate in the Single Family Bond Program through an application process. Loan funds are expected to be available to provide second mortgage financing for owner-occupied residences in any county of the State of Florida subject to the participation of lending institutions in the counties they elect to serve.

Any home mortgage lending institution that is a qualified FHA, VA, GNMA, FannieMae, FHLMC or USDA Rural Development (RD) originator and servicer or seller and servicer as required by the program documents and approved as a participant for the Single Family Mortgage Revenue Bond Program is interested in receiving an Invitation to Participate in this issue should contact the Corporation by telephone at (850)488-4197. Any questions or comments regarding the availability of Florida Home Ownership Assistance Program funds should be directed to: Keith Bowers, Program Administrator, (850)488-4197.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN August 19, 1999  
 and August 23, 1999

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

5K-4.010	8/20/99	9/9/99	25/18	25/27
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**DEPARTMENT OF EDUCATION**

**Florida State University**

6C2-5.0021	8/20/99	9/9/99	Newspaper	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

64B3-2.003	8/23/99	9/12/99	25/26	
64B3-8.002	8/23/99	9/12/99	25/26	

**Board of Opticianry**

64B12-9.001	8/23/99	9/12/99	25/18	
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**Division of Environmental Health and Statewide Program**

64E-14.002	8/23/99	9/12/99	25/15	
64E-14.003	8/23/99	9/12/99	25/15	
64E-14.004	8/23/99	9/12/99	25/15	
64E-14.005	8/23/99	9/12/99	25/15	
64E-14.016	8/23/99	9/12/99	25/15	
64E-14.019	8/23/99	9/12/99	25/15	
64E-14.020	8/23/99	9/12/99	25/15	25/27
64E-14.021	8/23/99	9/12/99	25/15	